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FINDINGS AND DISCUSSIONS ON STATE LAWS DEALING WITH THE USE OF AUDIOVISUAL INSTRUCTIONAL AIDS IN THE PUBLIC ELEMENTARY AND SECONDARY SCHOOLS, VOLUME I--ALABAMA - MISSOURI.
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THIS IS VOLUME I IN A COMPILATION OF STATE LAWS ON THE USE OF AUDIOVISUAL INSTRUCTIONAL AIDS IN THE PUBLIC SCHOOLS. (LP)

REPORT:

STATE LAWS ON AUDIO-VISUAL MEDIA OF INSTRUCTION IN PUBLIC SCHOOLS AND ON ESTABLISHMENT OF EDUCATIONAL TELEVISION STATIONS

JOHN W. CONNELLY, JR.

JULY 31, 1962

CONTRACT OE-2-16-003

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REPORT

STATE LAWS ON AUDIO-VISUAL MEDIA OF INSTRUCTION IN PUBLIC SCHOOLS

AND ON

ESTABLISHMENT OF EDUCATIONAL TELEVISION STATIONS

U. S. DEPARTMENT OF HEALTH, EDUCATION AND WELFARE
Office of Education
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John W. Connelly, Jr.
Contract OE-2-16-003

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Chapter I

INTRODUCTION: PROBLEM, APPROACH, METHOD OF WORK, METHOD OF PRESENTATION

This is the final report of work done by me under Contract OE-2-16-003 between me and the Office of Education acting on behalf of the United States of America, pursuant to Public Law 85-864. In this introductory chapter there is a discussion of contractual requirements, the nature of the problem, the approach to it, the method of work, and the method of presenting findings in the chapters which follow.

Contractual Requirements

The preliminary contract dated August 15, 1961 recited the authority of the Commissioner of Education to enter into such an agreement for studies and surveys to determine "the need for increased or improved utilization of television, radio, motion pictures, and related media of communication by State and local educational agencies for educational purposes". It required the contractor to make a sample study of pertinent laws in ten States relating to these subjects, to make a report on findings, and to suggest a plan for research and analysis of pertinent laws in the remaining forty States.

The preliminary study of ten States was completed, a report was submitted, and a plan was proposed for a functional analysis of such laws for the remaining forty States and for those ten included in the sampling study. Following an amendment to the contract to extend the time briefly for submitting the report on sample studies, Amendment No. 2 to this contract was executed, effective October 15, 1961. It adopted the proposal made for a functional study of such laws, which will be referred to later, and described the nature of the work to be done in Article I of the Contract, which reads in part as follows:

> A. Description of Work. The Contractor shall continue the study begun under the original contract, shall recheck and supplement data secured from the ten States selected for study in Stage 1, shall proceed with Stage 2 and Stage 3, and shall make a bibliographic research study of the legal authorities (statutes, regulations, etc.) in the remaining forty States which affect or may affect, positively or negatively, the classroom use in public elementary and secondary schools of new educational media, generally defined to include such audio-visual materials as charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, and other non-book instructional materials, and shall analyze and classify his findings for all fifty States in the following manner:
>
> 1. References to laws, regulations, and other legal authority shall be segregated by State.
>
> 2. References to laws, regulations, and other legal authority in each State dealing in specific terms with any of the audio-visual materials shall be classified according to the type or types of such materials specified, and if dealing with such materials or activities relating to them only in general terms shall be classified accordingly.
>
> 3. All references to laws, regulations, and other legal authority in each State which affect or may affect, positively or negatively, the classroom use of such new educational media in public elementary and secondary schools, including those of a general or related nature which might be invoked in the absence of more specific authority, shall be classified in separate categories or classes dealing with the following subjects:
>
> Planning the use of AV aids
> Preparing curricula
> Advising subordinate units and teachers on use of AV aids and publishing lists of material available
> Organizing AV units
> Conferring on AV use outside of State educational structure
> Selecting AV aids

Selecting textbooks
Acquiring AV aids and school supplies, equipment, and textbooks
Financing acquisition
Regulating use of AV aids and keeping statistics on use and using personnel
Distributing AV aids
Producing AV aids
Certificating teachers
Prescribing qualifications of using personnel
Accrediting schools
Federal aid to schools
Private aid to schools
Library programs
Research programs

Such other categories, classes, or other means of functional or institutional classification shall be added to or substituted for those specified herein as may be determined in consultation between the Contractor and the Director, Educational Media Branch, Division of Statistics and Research Services, Office of Education, or his designate.

Section 4 of this Article required that all pertinent laws and other legal authority be further classified to show the identification of officials and organizations whose decisions under such authority might affect the use of audio-visual media of instruction.

Section 5 of this Article required that charts be prepared for each State on the basis of functional classifications to locate the authority, among officials and organizations, for making decisions affecting the classroom use of such instructional media, for each State.

Section 6 of Article I required consolidated charts for all fifty States to locate, among officials and organizations, the authority for making decisions, according to the functions described.

Section 7 of Article I required a brief textual description of the nature and provisions of all pertinent laws, regulations and other authority.

Section 10 of Article I required a manuscript report of the completed study in the form and manner determined by consultation between the contractor and designated officials in the Office of Education.

Another amendment to this contract was made, providing for the analysis of laws in the fifty States relating to the authority to establish and operate educational television stations. This will be referred to later. The contract dated October 15, 1961, meanwhile, will be identified as the basic contract and work done under it will first be discussed.

Nature of the Problem

The purpose of the Office of Education in having this study made, as recited in the preliminary contract for sampling, was to enable it to determine "the need for increased or improved utilization" of audio-visual media for educational purposes. This purpose suggested the examination of those State laws which might affect such activities as selecting, purchasing, and distributing audio-visual aids or services among the public schools, regulating the use of them, prescribing special qualifications of using personnel, through certification or otherwise, and requiring a minimum supply of them in the schools through a system of accreditation or other means. It also required examination of those laws relating to the organization of educational structures to indicate the scope of authority of different officials in the conduct of such activities.

Another purpose, however, was evident. It was implied from the basic objectives of the Office of Education and the interest of the present administration to explore means of improving the general educational process in the country. This suggested that, during the examination of pertinent laws, some consideration be given to organizations and established procedures which might suggest a channel for the introduction of Federal aid to education without encroaching upon the exclusive jurisdiction of the sovereign States in that field.

Another factor to be considered in the study of these legal authorities was the undertaking of the University of Southern California, under contract with the Office of Education, to make a factual study of the use of audio-visual media of instruction in the public schools, by means of questionnaires to be circulated and interviews to be held with school officials.

The source of information on laws relating to these subjects was, obviously, the statutes, session laws, school codes, regulations having the force of law, and court decisions in the fifty States. Material from all of these sources has been examined. Reference to the use of it will be made later.

Scope of Requirements

The scope of the requirements in the contract, as set forth above, is extremely broad. The number of the separate topics to be investigated, numerous in themselves, is further multiplied by the requirement that laws which "may affect" the classroom use of audio-visual media should be examined and analyzed with reference to various types of activities.

This opens the door wide for the introduction of a tremendous amount of material ranging all the way, in the economic aspect for example, from the extensive legislation in all States dealing with school support and priorities of requirements, down to the details of local budgets, restrictions on purchasing power, and advertisement for bids in the supply procedures at the lowest level of school organizations. The "may affect" provision also extends the range of relevance with respect to other activities, the legal authority for which might be of such a nature as to bear upon the classroom use of audio-visual media of instruction. It would therefore seem that the requirements of the contract contemplated examination of an almost countless number of possibilities to be considered in determining actual and contingent relevance of laws in each State. And this would be multiplied by fifty States.

The disadvantage of these requirements, and the alarming scope to which they could be logically extended, were offset by an advantage and by a necessity in the undertaking. No work of this sort had ever been undertaken before and there were no guide posts to mark off the areas of greatest significance to aid the Office of Education in reaching policy decisions, which might lead to increased or improved use of these media of instruction in the general educational process.

The nature of the present undertaking, therefore, was in many respects exploratory. For this reason the work has taken much longer than was at first contemplated, but it has permitted a thorough examination of a great number of possibilities and a much more thorough examination of laws in this field than would otherwise have been possible.

The "Universe" of School Law

The body of school laws in the fifty States is frequently regarded as a kind of amorphous collection representing a separate "universe". While there is a common subject - public schools - and while there are recurrent patterns - general plans of organization and operation - it is dangerous to think of the body of school laws in this way. Easy generalizations, based upon the community of subjects and the recurrence of larger patterns, can lead to embarrassing false conclusions.

Actually the body of school laws in each State is a separate "universe" in so far as it can be said to exist separately within the whole body of laws of the State. Naturally many laws of general import in each State relating to political structure, fiscal activities, and regulatory machinery and procedures affect the public schools just as they do all other institutions within the State. Legislatures have endeavored to create a harmonious setting, without internal contradictions, within which schools and other institutions all operate. Legislatures have also provided special bodies of law for schools and for other institutions, respectively, which are themselves intended to be harmonious and without internal contradictions.

In each State, therefore, there is a "universe" of school laws designed by the legislature, under its mandate, to provide for the operation of an effective public school system. This body is more or less complete in itself, but harmonious with other legislation in the State, either of a general character or of a specialized character for separate types of institutions. For various reasons the legislatures in the different States have met in different ways the requirements of the State community for laws of general application, and for special institutions such as public schools. And just as there is great variety and divergence of laws among the fifty States in general, there is also great divergence and variety of laws in the fifty States dealing with public schools. Each body of school laws therefore must be regarded as a separate "universe" in a foreign legal system.

Discoveries in Preliminary and Later Research

In the preliminary investigation several kinds of material were consulted, principally in the Library of Congress, but also in the libraries at the Department of Health, Education and Welfare and at the National Education Association. This included, in addition to legal material, general publications as well as a variety of State publications, both catalogued and uncatalogued, dealing with audio-visual media of instruction. The observations first made have been completely corroborated in subsequent research. They should be described in order to explain the direction and reasons for subsequent study.

It was anticipated that the non-legal material might contain valuable suggestions on particular topics to consult in legal publications. It provided considerable background information on the scope of activities, types of equipment, and method of use. But it was not particularly helpful in describing the State machinery for the various activities involved in putting such equipment into use.

Numerous decisions of courts in various States were examined with negative results. No decisions were found dealing significantly or by implication with any aspect of the use of audio-visual media. The major portion of case law deals with such subjects as the employment and dismissal of teachers, redistricting, observance of procedural requirements, and finances, in the general operational activities of schools.

In the libraries referred to some regulations were found, issued by State boards of education. There was no complete collection, however, and most of such publications were so far out of date that they did not seem to be reliable sources of information on current practices. And in most cases, they were of a very general nature.

Legislative enactments were also examined. These differed widely, among the States, in scope, detail of treatment, arrangement of material, and general characteristics.

State Laws on Education

In many States separate education codes have been compiled and logically arranged to include all State laws dealing specifically with the public school system as well as other types of laws which have marginal relevance. In others, the school code is restricted in scope. In some States laws on public education are found under one title in the compiled statutes, while in a few, such as Massachusetts, these laws are arranged under several different titles widely separated.

In some States there is considerable current legislation dealing with the public school system, which is published annually or biennially as supplements to a basic code without being integrated or coordinated with it. In other States the current legislation is integrated by code number with previous legislation, whether found in a separate code or in a compilation of statutes. And in some States there is very little current legislation, except for appropriation acts.

In some States, school laws contain provisions relating to public or school libraries, or provisions relating to higher education, or both. In other cases no such provisions are included.

In each State there is a unique arrangement of material, provisions for organization and procedures similar to others but different in details, and varying stress on different subjects dealt with otherwise in other States. Thus, there is the greatest variety imaginable in school legislation throughout the country.

In most cases there is also great disparity between the amount of legislation dealing with the public school system and the very large percentage of public funds expended in support of the schools, whether appropriated by the State from general revenues or raised through local taxation. This is explained only in part by the nature of the legislation which has been provided.

In many cases laws have been drafted only in very broad terms. The evident intent of the legislature in such cases is that administrative bodies use their discretion within the wide scope of flexible general powers granted.

Statutes cast in this mold have the advantage of being easily adaptable to changing conditions and circumstances, since they can be construed by the courts to apply to a great variety of situations. Thus, in Connecticut for example, there are less than 150 pages of statutes in the school code, but those provisions granting power to school organizations and officials are of such a general nature that they can be construed to apply to a great variety of activities.

At the other extreme, in California for example, the legislature has apparently left little necessity and perhaps little room for supplemental construction of statutes. There are over 1,500 pages in the education code of California, comprising some 20,000 sections, dealing in precise specificity with a great range of activities.

In between these extremes there are many gradations of type, some approaching the simple, general pattern, and others approaching the elaborate, specific pattern of legislation.

Laws Dealing with Audio-Visual Media

There is no consistent or measurable correspondence between the amount of legislation on public schools and the number of specific references to audio-visual media of instruction. It might be supposed that the greater the amount of legislation, either basic or current, the greater the number of provisions relating to the use of new media. But this is not always true.

It was found that there is much less State legislation on this subject than the current interest in the subject would suggest. Some States have none at all. Some have only meager reference to some of the simpler types of media. Some have either such a considerable amount, or some provisions of such sweeping significance, as to suggest extensive programs in the use of these media. Yet external evidence has clearly shown that some States with little or no legislation on the subject have very extensive programs for the use of one or more types of audio-visual aids.

The observations made in the preliminary survey, and later amply corroborated, led to a course of procedure which was necessitated by the requirements of the contract and the nature of the material which had to be examined. It was necessary to centralize activities and to assemble in one place a working collection of source material for reference, instead of attempting research with incomplete sources on short loan in an open library. And the range and quantity of material to be examined required some help in research.

Some publications on school laws were borrowed for extended use from the Office of Education, some were obtained free from the several States, and some were bought from States or from commercial publishers. The latest collections of laws currently available were obtained, except in a few cases in which they were available only by purchase of a complete set of State statutes. In such instances earlier editions were used, but were supplemented when necessary by reference to later editions or session laws in outside libraries.

The latest official regulations and annual or biennial reports were also obtained from the several State departments of education whenever possible. In some cases they were not very recent and in others no regulations or reports were available. Administrative procedure acts were obtained when available. Other publications issued by State education authorities were also obtained to indicate the manner in which the school laws were applied.

Two part time assistants were engaged to help in legal research. Due to unavoidable turnover and replacement, seven different persons worked in this capacity, two at a time, and on a half-day basis.

Functional Approach

The most important aspect of the research, however, was the use of a functional approach. This was dictated by several considerations, springing in part from the nature of the problem and in part from the diversity of legislation in the several States. They are discussed below.

The problem posed - finding legal authority which affects or "may affect" the increased or improved classroom use of audio-visual instructional media - is a conceptual description of the purpose of the undertaking. Obviously there are many activities in each school system preceding, accompanying, and following the actual classroom use of these media. Each activity affects or "may affect" in its own way the end use.

The simple mechanics of getting the equipment, or service, distributing it, and putting it in use can and do vary in practice. Each of these general activities is conducted in different ways and by different officials in the several States.

In some States there is legal authority relating to one or more of the several types of media included in the definition of audio-visual. X

In other States there is little or no such specific legislation, yet evidence showed that similar activities were being conducted by school authorities in many of those States. And whether there was such evidence or not, the requirement of the contract to cite legal authority which "may affect" the use of such media made it necessary to examine laws of general import in all States. It was necessary to determine the possibility of implying from them the legal authority to engage in a wide range of activities, whether or not the authority was being used.

An unorganized collection of legal citations for each of the fifty States for activities which are being or could be conducted there, would present the information pertinent to that State. But inasmuch as the systems of laws are all different, both in form and substance, and the distribution of legal authority for conducting various activities is different in each State, it would not be possible to make a direct and meaningful comparison of any one such collection with another. Fifty such collections would therefore be of little or no use in comparative studies, except as a starting point for analysis and further research.

Some means of bringing order out of such confusion and permitting comparisons was therefore necessary. For this reason a system of classification was devised to present citations for all States in parallel form, thus permitting a direct comparison. For this purpose, functional categories were selected for typical kinds of activities, broad enough in scope to include all variations in the details of such activities.

These categories serve as the constants to which the variables of local practices and local distribution of authority can all be oriented for all States. They also serve as "reference packages" of authority for all States, across the board. All similar packages can be compared, but each one has a different content showing how much can be done, by whom, and under what controls, with respect to the general activity involved in the classroom use of audio-visual media.

In essence, this is the way of showing how legislative and educational authorities in each State have solved or could solve a series of particular problems in providing for a necessary activity connected with others in the classroom use of audio-visual instructional media. The problems and typical, necessary activities are common to all States. The solutions differ widely yet as clusters within each "package", they can be compared with others, whether they are in the form of specific authority or in the form of general authority from which authority to conduct the particular type of activity involved can be implied.

Nature of Categories

Different categories chosen in this system of classification were selected for practical reasons. They represent the range of typical activities which would be necessary anywhere in selecting, acquiring, financing, and distributing audio-visual media of instruction, regulating the use of them, gathering statistics on their use, organizing special units to facilitate or promote their use, advising users on selection and use, providing for special skills of users through a system of teacher certification and requirements of qualification for employment, and enforcing the use of them through a system of accrediting schools on the basis of their observing requirements for a minimum supply and use of such instructional media.

The scope and nature of categories were also designed to permit coordination with the factual findings in the SAVES project being conducted by the University of Southern California. For this purpose a functional analysis had been made of the draft of the SAVES questionnaire, to be circulated among school officials, and the draft of proposed questions to be asked in supplementary interviews. The number of questions in that project was much too great to permit establishing a category of legal authority for each one of them. In addition, many of the questions were either overlapping or related to different aspects of a single basic activity, all aspects of which would involve the same legal authority. Furthermore it would have multiplied the details of the present study needlessly to match each question with a legal citation.

The list of functional categories finally adopted for the legal study, nevertheless, was fully oriented to the SAVES questions. While these categories are expressed in general terms, they are of such a nature as to permit a matching of questions with legal authority later. This can be done by subsuming related groups of SAVES questions on particulars under the appropriate category of a general class, with its accompanying citations of legal authority.

In addition to the functional categories adopted, a few others were found necessary to accommodate activities which were apparently not germane to audio-visual media but were actually used or could be used for supplying such equipment. Examples are laws on textbooks, as in the State of Georgia, or laws on library programs, as in several States.

These are the categories suggested after the preliminary survey and included in terms of the contract, as described at the beginning of this chapter. Later, after using these categories in research in the laws of several States, and after consultation in the Division of Audio Visual Instruction in the National Education Association, a few more categories were added.

Adoption of Forms

As work progressed it was decided that standard forms would be useful in presenting the results of research for all States in a manner as nearly uniform as possible. One purpose was to show in an unmistakable way those areas of activity for which apparently no authority even of a general nature had been provided in some States. Another purpose was to show clearly, and in a parallel description of characteristics, the different kinds of organizational structures in the several States through which the activities described in the categories were conducted, and the system of powers and controls built into those structures.

Description of Forms

Accordingly mimeographed forms of several kinds were prepared and were designated as Parts I, II, III and IV.

Part I, Educational Organization. This consisted of several sections, one each for organizations at the State level, the intermediate level, and the local level. An additional section dealt with principals and teachers in schools.

In a form for organizations and officials at the State level captions required information on several subjects as follows: department of education, called (exact name), how organized (manner), established by (legal citation), is it a body corporate --; State board of education, called (exact name), established by (legal citation), is it a body corporate --, composition (number and source of membership), how selected (i.e. appointed and by whom, or elected), is confirmation necessary --, subject to what control --, to whom reporting --, term of office; chief State school officer, called (exact title), office established by (legal citation), how selected (i.e. appointed and by whom, or elected), is confirmation necessary --, subject to what control --, to whom reporting --, term of office --, staff and who appoints --; other organization or official --. Legal citations for all captions were required if available.

In a form for organizations and officials at the intermediate level captions required the same types of information with respect to the organizational unit (such as county or region), board of education, if any, and administrative officer of the unit.

Another form was used for local and for independent units - that is, at the "operating" level - and the same type of information was required with respect to the organizational unit (i.e., school district or independent district), board of education, and administrative officer, if any.

The form for principals and teachers in the schools called for information concerning them with respect to appointment, qualifications, term of office or tenure, certification, and special assignments.

The relevance of information required in forms for Part I, concerning organizational structures to the study of legal authority to conduct various activities connected with the classroom use of audio-visual instructional aids, may not be immediately apparent. The need for it, however, was increasingly emphasized as work progressed. And it was indispensable to an accurate location and interpretation of such authority.

Too often, the easy generalizations concerning location of policy and administrative functions at the State level and location of operational functions at the local level can lead to false assumptions concerning the division of authority affecting the classroom use of these new media. It is necessary to have precise information on organization in each State in order to locate control points in the decision making process. Thus, Part I of the forms adopted is a complement to Part II, dealing with general powers which might affect the use of these media, Part III describing specific legislation on the subject, and Part IV giving a functional breakdown of activities by subject, kind and degree of express or implied authority, and identification of the organization or official authorized to act.

For instance, in New York the education department is a component of an interlocked organizational complex which has the most sweeping authority of any educational agency in the country. In some other States the department of education has strong, clearly defined powers, distinct from those of the State board or of the chief State school officer, which might be relied upon in some activities involving the use of audio-visual media. In a few States, however, there are no statutory provisions creating specifically such a department or defining its powers. Yet a department has been organized and is operating as the professional staff for the State board and/or the chief State school officer. In such cases, of course, no special power could be imputed to it as an entity.

In some States there are both great concentration of power in the State board of education and varying degrees of control over the chief State school officer. In others, the powers of the State board are more modest and those of the chief State school officer, apparently, are correspondingly greater. In one State, the chief State school officer appoints the State board and acts as member and chairman of it. And in four States, there is no characteristic State board at all, but only a chief State school officer, with a staff which functions as his "office" and corresponds to a department of education.

In some of those States having an intermediate level, the county superintendent functions with a county board invested with powers varying in scope from decisive to merely advisory. But in some other such States, there is no board at the intermediate level. Yet the powers of the county superintendent, even though he acts alone, vary from State to State.

The greatest variation in powers, however, is found in organizations at the local "operating" level, both in a comparison of State with State and in analysis of different types of organizations within many individual States. In some States, notably those having a county-unit system, organizations are simple and location of power can be easily determined and described. In other States, however, in differing degrees, structural organizations range in type from complicated to extremely complex, and in one State almost baffling in diversity.

Each different kind of local organization in each State has a different set of powers and duties. Other organizations and officials at the State level, and at the intermediate level in those States having one, all have their respective sets of powers and duties, different from those of other organizations and officials within the State.

Obviously, in determining the location and kind of power to deal with audio-visual media of instruction it was indispensable to have an accurate organizational breakdown of the educational structure in each of the fifty States, each different from the others.

In the course of the research, it became increasingly evident that statutes relating to the creation of different types of organizations in the educational structure, and granting different powers to them, not only may affect but actually do affect positively the classroom use of audio-visual media. It was sensed, and has later been confirmed, that a recognition of the pattern of distributing power to organizations and officials within each State may provide a key to determining the manner in which the use of these new media can be improved and increased.

Not the least important part of such patterns is found in the organizational and power structures at the bottom, operating level. Too many studies in the past have lumped them together, for easy disposition of a complex subject perhaps, although there are many differences among them.

Some studies have stressed too much the overriding importance of State boards of education, with their general control powers. This emphasis is fully justified in the case of some States. For instance, in Idaho there are large grants of power to the State board, express restrictions on the power of local boards, and then a "residuary" provision, as in a will for instance, investing the State board with all powers not granted to other organizations or officials. This same general pattern is found in some other States, which lack, however, such a "residuary" statute.

In other States, nevertheless, emphasis is shifted in the other direction. This is notable in most of the New England States where, traditionally, there has been greater emphasis on local self government and control of educational activities, with correspondingly less power in the State boards. And in antithesis of the Idaho statute, a statute in Texas provides that all powers not specifically granted to organizations and officials at the State level are reserved to and shall be exercised by local boards, which are operational.

Part II, General Powers and Duties of Organizations and Officials.

Forms used in Part II were, in effect, title pages for the collection of statutes, extracts from them, or digests of them, which relate to general powers of organizations or officials at all levels. Only those provisions were included which legal analysis suggested might be used as authority for dealing in some way with audio-visual media. But inasmuch as such authority, in many States would have to rest upon some general power from which a reasonable implication could be drawn to support a related or more specific authority, a wide range of citations had to be collected. Also some explanation was often required to show the reason for drawing such legal implications.

Part II was thus developed as a reservoir from which to extract references for specific application in the treatment of functional categories in Part IV. It served as the place to record extracts from reports of the chief State school officer indicating activities which would give color to implying some special authority from general powers. And it served also as the place to record the general system of school finances which might affect the procurement of audio-visual media.

A much wider range of information was often included in Part II than was finally used in Part IV, the categorical analysis, but this was necessary in order to provide for the greatest number of possibilities on a "may affect" basis. The information was arranged and discussed in accordance with the organizational structure disclosed in Part I, referred to above, in order to show clearly the details of power distribution which might be relevant to the study.

Part III, Legal Authority Relating Specifically to AV Media and Their Use was used to record the text of legislation, and if available, the text of any regulations relating specifically to these media. But whether or not there was any such legislation or regulation, Part III was also used to record pertinent references to the use of these media found in reports of the chief State school officer or other official publication of educational authorities in the States.

These supplemental references frequently shed an entirely new light on provisions of law which were expressed in general terms but which were actually used extensively by various officials in dealing with audio-visual media. Thus an implication of authority drawn by legal reasoning could be fortified with direct evidence that a general power was being relied upon.

Part IV, Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use. This form consisted of three pages on which the functional or institutional categories were listed, with space for indicating by Yes or No whether or not there was any legal authority on the subject, express or implied, and with space for indicating the exact legal citation for such authority, that is the section numbers of Constitutional provisions, statutes, or regulations. These pages of the form were followed by other pages giving a description, or sometimes a quotation, of the legal provisions cited on the forms, according to the appropriate category. The categories finally used were listed as follows:

1 Planning the use of AV aids
2 Preparing curricula
3 Advising subordinate units and teachers on use of AV aids and publishing lists of material available
4 Organizing AV units and cooperative activities
5 Conferring on AV use outside of State educational structure
6 Selecting AV aids
7 Selecting textbooks
8 Acquiring AV aids and school supplies, equipment, and textbooks
9 Financing acquisition by rent or purchase
10 Regulating use of AV aids and keeping statistics on use and using personnel
11 Distributing AV aids
12 Producing AV aids
13 Certificating teachers and AV professionals
14 Prescribing qualifications of using personnel
15 Accrediting schools
16 Building or remodeling schools to facilitate AV use
17 Federal aid to schools
18 State aid to schools
19 Private aid to schools
20 Library programs
21 Research programs
22 Institutes
23 Other established procedures

On all forms, for Parts I, II, III, and IV, space was provided to show the source of information by an exact citation of the pertinent publications, whether school codes, compiled statutes, annotated statutes, regulations of State boards, reports of the chief State school officers, or other publications.

Making Reports on Each State

When the new forms were first prepared, they were submitted to the Office of Education, which approved them and the use of them in the work. Thereafter, the results of all research were recorded on these forms.

In the work up to that point, results of research had been recorded more or less in a discursive format. The same type of information had been assembled to show organizational structure, general powers and duties, the presence, absence or nature of authority relating specifically to audio-visual media, and most of the categories which were finally used in Part IV. Thus, most of the information required by the new forms had already been assembled. It was not arranged in a uniform manner, however, and on a few points information was sometimes lacking. Accordingly, the "old forms" were later brought up to date, by filling out Part I, whenever necessary, and Parts III and IV in all cases. In this way a parallel comparison, across the board so to speak was facilitated for all States with respect to organization, specific legal authority, and categorical classification of authority, either express or implied.

A complete collection of all of this information, arranged in this orderly manner, was made for all fifty States. It constitutes much more than the textual description of legal authority called for in the contract, but the four parts are mutually complementary and give a contextual background to the pertinent legal authority which could never have been provided by a simple textual description. Copies of the separate reports, one for each State, have been delivered to the Office of Education from time to time for use of SAVES. An additional set of the original copy for all fifty States, comprising some 1,500 pages, has been bound in two volumes and is being submitted to the Office of Education as an Annex to this Report.

The separate reports on the States are all uniform from the standpoint of form of presentation, with the minor exception noted above with reference to the format first used and the supplements later provided. They are not uniform in content, however, for two reasons. First, the content differs necessarily in accordance with the differences in legal provisions of the several States. Second, the content differs in detail in accordance with a shifting of emphasis on some topics at different stages of the work and by different people working on the original research.

All of the work, however, was done with great care by all who took part in it. The research could be accomplished only through a page by page examination of large parts of the statute books and frequent comparisons of related provisions, in order to avoid missing provisions which "may affect" the use of these new media and to draw proper conclusions in a legal analysis of all provisions. The work of assistants was verified for accuracy and for conclusions.

Introduction of New Element - Educational Television

The research under the basic contract centered around the classroom use of audio-visual media of instruction. This included, of course, legal authority to use educational television in the classrooms, and involved the same activities accompanying the use of other media, such as planning, selecting, procuring, regulating, and so on. Pertinent legal authority on such activities is included in the separate State reports, and can apply to television in the same way as it applies to other types of instructional aids.

In many cases, the critical points might involve authority to use this kind of medium for instruction under any circumstance, approval of the content of programs, and authority to pay for the service. Much of the legal authority relating to these points can be found in general provisions relating to procurement of instructional aids in general and to approval or formal "adoption" of instructional aids. Some of these provisions are of such a nature as to give sound support to an implication of authority to deal with educational television for classroom use.

In other cases, specific legislation gives authority to use educational television in the classrooms, or provides a formula for approving the content of programs, or authorizes school districts to enter into contracts to obtain and pay for such services.

In both cases, citations of the pertinent legal authority, whether express or implied, are found in the separate State reports.

An amendment to the basic contract, dated May 1, 1962, introduced a new element, although closely related. By its terms it required:

> "...an investigation into and a description of relevant statutes, regulations, municipal ordinances, court decisions, etc. affecting positively or negatively the establishment and operation of educational television broadcasting stations (excluding closed-circuit television systems) under State and/or local authorities..." (emphasis supplied)

The establishment and operation of an educational broadcasting station involves questions entirely different from the use of educational television in classrooms, and a consideration of other kinds of legal authority. Additional research, therefore, was required for this undertaking.

Information on this subject is to be found in school laws and other statutes, and they were consulted. No court decisions were found dealing with the subject. No attempt was made to consult municipal ordinances in a general search, since the contractual requirement could not have contemplated an examination of municipal ordinances promulgated throughout the whole country even if they had been conveniently available.

Research was done in the files of the Federal Communications Commission, in connection with other requirements of this supplemental study. All of these files related to educational television stations located in cities. It was noted, however, that they contained no reference to any municipal ordinance involved in the issuance of construction permits or operating licenses for educational television stations. Obviously, such ordinances are not relevant to the ordinary establishment or operation of a station and might have relevance only to the location of a television site within city limits. The occurrence of a situation in which any such municipal ordinance would have critical or even reasonable significance in this study seemed so remote, that this requirement was no longer considered.

It had been ascertained in the study on the use of audio-visual media that there are a few States which have legislation dealing specifically with educational television. The legislation differs in character and scope, but all of it was analyzed to determine its relevance to the establishment and operation of television stations. Some of it has express provisions on this subject. Some of it is drafted in general terms which had to be analyzed, either alone or in connection with other statutory provisions, in order to determine whether the necessary authority might reasonably be implied.

In most States there is no express authority for this purpose. In the case of almost all of the fifty States, therefore, it was necessary to analyze general powers of educational organizations in order to ascertain the probability of implying authority to conduct such activities, in the absence of express powers.

In this analysis an apparent paradox was clearly emphasized. The role of leadership in educational activities, customarily assigned to organizations and officials at the State level, does not necessarily imply authority to take a definitive lead in the introduction of educational television into the public school system, or at least has not led to such action, with some few exceptions. For instance, research in another source of information disclosed that licenses to establish and operate educational television stations have been issued as follows:

6	to States or especially created State agencies
2	to a State and the State board of higher education, jointly
2	to a State board of education
1	to a State department of education
11	to local boards of education or school districts
1	to a local board of adult education
22	to universities, colleges, or bodies representing them
1	to a public library
21	to different types of non-official councils or commissions, foundations, associations or corporations

This situation required analysis of the legal authority of a number of different kinds of organizations. The question could be disposed of fairly simply with respect to the existence of such authority in several types, and the present and future exercise of it. Special attention, however, was required to determine the existence of such authority in different organizations in the public school structures for all fifty States, and the prospects for using it if it exists.

In this part of the analysis, questions of legislative intent had to be considered in connection with broad principles of the legislative process in general and with provisions of law granting powers to different types of organizations within the public school systems. Such laws, as previously indicated, differ among the fifty States.

In the case of each State, therefore, a legal construction of various statutes was made in accordance with recognized principles of statutory interpretation. Answers were reached with respect to all States, indicating which organizations had express, clearly implied, questionable, or no authority to establish and operate an educational television station.

These analyses comprise a great number of closely reasoned legal opinions. In most cases there should be no question concerning the validity of the conclusions reached. In a few cases, however, questions were close and should be resolved by an official opinion of the State attorney general or by additional legislation in the State involved. In general, however, the opinions should serve as useful guides for the Office of Education and other interested organizations.

The study of legal authority to establish and operate educational television stations involves many questions entirely different from those connected with the legal authority to use audio-visual media of instruction in the public school classrooms. It has, therefore, been treated separately in this Report. Results of this particular study are set forth in Chapter IV, post.

Form of This Final Report

This final Report is essentially a synthesis of the studies made for all fifty States, to bring together all findings in convenient form and to facilitate comparisons among the States. Yet the extreme diversity of relevant legal authority in the several States prevents a general treatment of all States on a common basis. It requires some kind of separation in the report, just as in the research, in order to reflect differences among the States.

In lieu of a common treatment, several common topics have been selected, each one covered by a separate chapter, and representing a well defined and distinct part of the whole field of investigation. In each of these chapters, which will be described later, there is a general discussion of the topic, followed by a separate discussion for each of the fifty States in alphabetical order.

This arrangement of material permits an immediate comparison of differences in the legal authority in all States dealing with the particular topic covered by each one of these chapters. And inasmuch as the material in each chapter is set forth by State, the complete picture for any State can be obtained by referring to the discussion on that State in all of the topical chapters. Comparisons of the total picture for any number of States can also be made in the same way. In addition, this arrangement permits focusing attention on any one of the separate topics desired, to the exclusion of others not immediately relevant to a specialized inquiry.

It should be pointed out, however, as has been indicated otherwise in this chapter, that just as the several Parts of the separate reports on States are complementary and interdependent, so the several topical chapters in this Report are complementary and interdependent. The chapters should, therefore, be read together either as complete units or with reference to any one State or several particular States. The reason for this is apparent in the title of the several chapters and the explanation of their content, as indicated below.

Chapter II: Organizational and Background Information. This corresponds generally to Part I of the separate reports for all of the States, but considerable supplementary material has been added from other sources. Discussion is by State.

Chapter III: Summary of State Legislation Dealing Specifically with Audio-Visual Aids. This corresponds to Part III of the separate reports for the States and brings together all information concerning specific legislation on the subject. Discussion is by State.

Chapter IV: Summary of State Legal Authority to Establish and Operate Educational Television Stations. This is the chapter covering the special study required by the last amendment to the contract. The approach to it was necessarily different from that for the basic undertaking, as previously explained. But the discussion is by State, as in the other topical chapters, and much of the legislation considered is referred to either in Part II or Part III of the separate reports on States, or in both of those Parts. The discussions in this chapter, therefore, are very definitely related to discussions in the other topical chapters, complement them, and should be considered with them.

Chapter V: Summary of Laws and Regulations, According to Functions, Relevant to the Use of Audio-Visual Instructional Media in Elementary and Secondary Public Schools. This corresponds essentially to Part IV of the separate reports on States, and discussion is by State.

Chapter VI: Conclusions. This is self explanatory. Discussion is not by State, but rather by large patterns disclosed and observations concerning them. It is relatively brief, for reasons indicated in it.

It was originally intended to include a chapter containing suggestions on various effective means for improving and increasing the classroom use of audio-visual media of instruction, based upon observations made in this study. This plan was abandoned, however, for several reasons. While it would be a natural sequel to an exploratory search of this kind in a new field, it would require some additional time and it was not required by the contract. The several practical means, suggesting themselves as logical extensions of various institutions and practices observed, may be considered as appropriate subjects for a separate study.

It was also intended to include with this report several charts, as required by the basic contract. Following consultation with the Office of Education, this contractual requirement was waived, but an explanation of some of the reasons underlying that decision is appropriate here.

One set of charts was intended to show the distribution of authority of organizations and officials in each State to deal with audio-visual media, according to the functional categories adopted. Another set of charts was intended to represent a consolidation of all State charts, but with less detail, for the whole nation.

Information on which such charts would be based is contained in the textual description in Part IV of the separate reports for each State. These Parts IV already show the distribution and the nature of powers. Chapter V of this Report also contains basically the same information. Furthermore, the parallel arrangement of material in the topical chapters of this Report permits a ready comparison of States within each topical chapter and across the board, so to speak.

The major reasons for omitting charts, however, relate to a physical or printing difficulty and to a latent ambiguity in such a presentation. The physical difficulty would be to crowd into a small space the substantial number of symbols or other representations required for particular categories for some States, but not all, based upon pertinent legal citations. The latent ambiguity would arise by having to show, on the basis of legal citations, a similar authority - say, for planning, or regulating, or preparing curricula - granted expressly or by implication to different organizations at different levels in the same State. Both grants may be valid, but they may be used for different aspects of the same function, not differentiated by the language of the statutes. It would be confusing to show the same power in two or more places.

In both of these cases the situation might be clarified and the method of graphic representation might be simplified by reference to factual information obtained in the SAVES project. That information is not presently available, and until it is any attempt to prepare such charts seems inopportune.

Several charts have been prepared in connection with other aspects of this study, but, inasmuch as the substance of their representations has been given with equal clarity in the text, they need not be reproduced in the Report.

A selective bibliography of material consulted is included in the Report. It is conveniently classified, and arranged by States, the United States, and other sources.

Substantive Nature of Report

In substance this report is a distillate of a tremendous amount of material that was examined in search of legal authority which does affect or "may affect" the use of audio-visual aids. The extra study, concerning the establishment and operation of educational television stations, was added later. It was facilitated by work previously done but did not share in the development of that work.

The basic study was in all respects an original exploration, inasmuch as no previous work in the field was found to serve as a guide. All possibilities had to be considered, in order to meet the "may affect" requirements of the contract, if not for other reasons.

Much material examined in the original research was rejected as being irrelevant. Some was rejected as being relevant only on very questionable contingencies.

Material which was retained was recorded, assembled, and classified in the several ways described earlier in this chapter. It is now found in the separate reports for the several States, the originals of which are bound and are being submitted as an Annex to the original of this Report.

These separate reports on the States contain a description of all legal authority immediately relevant to this study, and in that respect they are completely responsive to the major contractual requirement. But they also contain considerably more. For instance, they include material on many aspects of State financial support of schools, and local programs for school support, with discussion of budgets, fiscal and political control points, veto power on budgets and participation of voters in determining the amount and end use of funds to be raised by local taxation. The money question is vital, and obviously many laws relating to the supply of money which might be used to buy these teaching aids are immediately relevant.

Other material is included in the separate State reports, such as laws relating to library programs through which educational films are actually supplied to schools in some States - and might be supplied in others - laws relating to school construction which _might_ be administered in a way to require special arrangement of rooms and furniture, or special equipment to facilitate the use of new educational media, and laws on other subjects which could perhaps affect the classroom use of these media.

Such material had to be collected in the original study before it could be determined whether or not all of it should be shown in a demonstration of authority granted but not used. No standard was available to indicate the _probability_ of its relevance until all the basic research was done.

In this Report, however, much of this material has been eliminated in the topical chapters for several reasons. References to financial legislation - a subject too involved to handle within the scope of this study - have been reduced to those which show a sharing of procurement costs between State and local districts. References to building regulations and library programs have been eliminated, except for those States in which there is evidence that they have actually or probably been used in connection with audio-visual teaching programs. Other material has been reduced in treatment or has been eliminated for reasons fully discussed in the topical chapters.

In short the account given in this Report is both a digest of the separate reports on States and a refinement of those recordings of this vast survey through an elimination of as much material as possible. Without the benefit of hindsight no such elimination of material could have been made beforehand.

What is here presented represents an appraisal by a single individual, instead of many, with a single, coordinated, panoramic and microscopic viewpoint, of a stupendous amount of legislation from fifty different jurisdictions, and a determination that certain provisions, accurately identified with proper legal citations, are immediately relevant to the particular functional activities, organizations, and officials in the manner precisely indicated in the several chapters.

The legal provisions cited contain express authority or implied authority which does affect, or at least probably affects, the classroom use of audio-visual media of instruction in the elementary and secondary public schools. X

In order to increase the practical utility of this Report for a constructive analysis of any future action intended to improve the educational process by wider use of these instructional media, a different standard of relevance has been used. Here, the minimum standard of what is relevant is what "probably affects", in a realistic discussion of the subject. It is not what "may affect", which was required by the contract but which is fully satisfied in the separate reports for the fifty different States.

The work has required much more time than was originally estimated, but there was no previous experience recorded to indicate fully its expansive scope and the difficulties of covering the field in the thorough and definitive manner required. The work was done, however, with all expedition possible and to the exclusion of all other activities.

The Report is long, but, even so, it is barely commensurate with the vast field explored in this new way and with the voluminous reports on laws in all fifty States from which it is compressed.

Chapter II

ORGANIZATIONAL AND BACKGROUND INFORMATION

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Chapter II

ORGANIZATIONAL AND BACKGROUND INFORMATION

The nature of the organizational structure of the public school systems in the different States, school populations, per capita expenditures for educating pupils in the public schools, and the respective shares of the States and of the local communities in school support, all have a bearing upon programs for using audio-visual instructional aids. Other data would also be required in order to complete this picture and to show the full context within which these and other activities are conducted in the teaching process. But inquiry into many such collateral subjects would be beyond the scope of this study.

A compromise has therefore been decided upon which, it is believed, will give a reasonable amount of background information. This should contribute to a more significant appraisal of legislation on audio-visual media described elsewhere in this report. It should suggest some of the reasons for the many differences in such legislation among the States. And it should supply a basis for drawing some reasonable inferences concerning administrative and operational procedures involved in the use of such instructional aids, whether with considerable, little, or even no specific legislative authority on the subject.

Experts in the educational world do not need to be reminded of the multiplicity of such factors. But they should find the following collation of data, drawn from several sources and arranged by States, a convenient aid in examining other chapters dealing with the relevant specific or general legislation, also arranged by States.

No citations for such background information will be given, item by item, but the sources are described below for any supplemental reference required.

Information on state boards of education, similar bodies, and chief state school officers, as well as method of selecting them (inasmuch as that sometimes has a bearing upon the degree and nature of authority), has been obtained from the respective school codes, compiled statutes, and other official collections of state laws used for this study and fully cited in subsequent references to statutes and regulations, as well as in the separate reports on state laws in the annex of the original of this Report.

References in those sources to departments of education have been relied upon, of course, but provisions concerning their internal structure are very rare and if given at all apply only to particular officials or divisions. Some annual or biennial reports of States contain a description of functions and offices, but not all of them, and it has not been possible to obtain a complete up-to-date collection. For this reason, the information on the internal structure of these departments, as given below, has been taken from Education Directory, 1961-1962, Part 1, State Governments, OE-20004-62, published in 1962 by the Office of Education, U. S. Department of Health, Education and Welfare.

Listings in this directory have been used to ascertain the approximate size of the respective departments of education by a count of officials concerned with administration for elementary and secondary schools. This excludes those dealing primarily with vocational education, vocational rehabilitation, higher and professional education, or those like members of special redistricting committees.

Titles or functions of officials have been indicated when relevant to activities connected with audio-visual aids. In some cases, for instance, there is in a department of education a "consultant on audio-visual instruction" or some other official whose title indicates similar functions. This is shown below, by State. Reference is also made to some officials dealing with other matters, such as curriculum or libraries for instance, since statements appearing in various reports of education departments indicate that such officials have duties connected with the use of audio-visual aids. Their presence on the staff may have special significance in those States which use such instructional aids but have little or no legislation concerning them.

The various collections of State laws used in this study have detailed provisions concerning different types of school districts and organizations at the intermediate and lower levels. Appropriate legal citations on local and intermediate organization have been given in the separate reports on State laws contained in the annex of this Report. It would be highly inconvenient to repeat them here, however, because of their great variety in some States. Furthermore, these statutes do not indicate the number of districts or officials described. For these reasons, and in the interest of uniformity, information on organization below the State level, with corresponding count of types, has been taken from Education Directory, 1961-1962, Part 2, Public School Systems, OE-20005-62, published in 1962 by the Office of Education, U. S. Department of Health, Education and Welfare.

The number of counties in the different States, which is relevant to the organizational structures and activities based upon county area or government, is found in the U. S. Postal Guide, U. S. Statistical Abstract, and other publications.

Information on the "census" of elementary and high school pupils in each State, number of school districts (different from number of superintendencies shown elsewhere), and the expenditure per pupil in average daily sttendance, is taken from Preliminary Statistics of State School Systems, 1959-1960, OE-20006-60, published by the Office of Education, U. S. Department of Health, Education and Welfare. This is probably somewhat out of date by now, but the figures should still be reasonably close except in a few States where consolidation of school districts has been accelerated and figures are frequently changing. And it is the only single source conveniently available at present.

Information on the sources of revenue and percentages from each source, for support of public elementary and secondary schools, 1959-60, is taken from Table 3, Revenue Programs for the Public Schools in the United States, 1959-60, OE-22013, published in 1961 by the Office of Education, U. S. Department of Health, Education and Welfare. The figures are still reasonably representative of the division of tax burdens, although not as recent as might be desired. They include revenue received by the States from the Federal government which is devoted to such projects as vocational education, assistance to federally affected areas, and school lunch, which are not germane to the present study. But those figures are informative for other purposes and do not affect the proportional relationship between percentages of State and local support.

ALABAMA - The State board of education, with general control of the schools, is composed of the governor and the superintendent of education, ex officio, and nine other members appointed by the governor subject to approval by the senate. The superintendent of education is a constitutional officer elected to office. The State board of education appoints the State Textbook Committee, which recommends textbooks, and the Committee on Courses of Study, which prescribes minimum content of courses and recommends maximum content. The State department of education has 38 officials concerned with elementary and secondary schools including: an assistant superintendent having supervision over a number of consultants on special subjects including one on Title III, NDEA; a school architect in the office of the director of administration and finance; a director of elementary education with a consultant on school libraries, one supervising instruction, and several others for special subjects; and a director of secondary education with several consultants, including one on school libraries, and an educational television coordinator.

There are 114 school superintendencies in the State with corresponding boards of education having control functions: 35 complete county-unit systems and 32 county systems in which are located 47 local school system superintendencies that are independent of the county system.

There are 67 counties in the State.

There are 608,563 elementary, and 178,706 high school students; 114 school districts; 2,173 elementary and 1,292 high schools (including junior high schools). Expenditure per pupil, ADA, is $241. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentages are:

	Property Taxes	Other Sources	Total
Local school districts	15.9	4.5	20.4
Intermediate "	0.0	0.0	0.0
State	3.9	65.5	69.4
Federal	0.0	10.2	10.2
Total	19.8	80.2	100.0

The Alabama Educational Television Corporation is an independent organization, but it cooperates with the public school system.

ALASKA - At the State level there are: a 6-member board of education, appointed by the governor and confirmed by majority vote of the Legislature in joint session; a commissioner of education appointed by the governor from nominations of the State board; a Textbook Advisory Commission; and a department of education established by the Constitution. This department has 24 officials concerned with affairs of the elementary and secondary schools including: an assistant commissioner on instructional services with several assistants, including one on curriculum; and a librarian.

There is no intermediate level. At the local level there are 29 school superintendencies in the State. All public schools are under the supervision of the superintendent of the system in which they are located but under control of a corresponding board of education. The department of education operates some unorganized districts with advice of local councils. Raising of local taxes is accomplished by municipal authorities on the basis of budgets submitted by the local board.

There are four judicial districts in the State and no counties.

There are 36,820 elementary, and 7,630 high school students; 29 school districts; 136 elementary and 45 high schools (including junior high schools). Expenditure per pupil, ADA, is $546. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentages are:

	Property Taxes	Other Sources	Total
Local school districts	17.2	4.5	21.7
Intermediate "	0.0	0.0	0.0
State	0.0	49.1	49.1
Federal	0.0	29.2	29.2
Total	17.2	82.8	100.0

ARIZONA - There are at the State level: A State board of education, with control powers, composed of the governor and the superintendent of public instruction, ex officio, and three other members appointed by the governor - a city superintendent of schools, a high school principal, and a county superintendent of schools; the superintendent of public instruction, elected to office; and a department of public instruction which has eleven officials concerned with elementary and secondary public schools, including a director of elementary education and a director of secondary education. The Arizona school board association coordinates local policies and procedures.

There are 47 school superintendencies in the State: 14 county-intermediate superintendents but no board, and 33 local school system superintendencies, each with its own governing board.

Budget requirements of such boards are submitted to the county superintendent and taxes are collected through the municipal authorities.

There are fourteen counties in the State.

There are 235,717 elementary, and 66,955 high school students; 305 school districts; 519 elementary and 92 high schools (including junior high schools). Expenditure per pupil, ADA, is $404. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentages are:

	Property Taxes	Other Sources	Total
Local school districts	53.4	0.0	53.4
Intermediate "	1.6	.6	2.2
State	6.8	31.1	37.9
Federal	0.0	6.5	6.5
Total	61.8	38.2	100.0

ARKANSAS - At the State level there are: a State board of education composed of nine members appointed by the governor and confirmed by the Senate; a commission of education appointed by and serving at the pleasure of this board; and a State department of education with 38 officials concerned with affairs of elementary and secondary schools, including: a director of instructional materials with an assistant called supervisor, audio-visual; and an assistant commissioner for instructional services, having a number of assistants supervising instruction in different subjects.

County boards of education direct and supervise all the schools in their counties except those which employ their own superintendent. Of the 459 school superintendencies in the State, 75 are county-intermediate with a county superintendent, and 384 are local school systems. Local districts have a board of directors with control functions, subject to supervision by the county board. Local taxes are raised through municipal authorities.

There are 75 counties in the State.

There are 323,789 elementary, and 100,417 high school students; approximately 400 school districts; 1,115 elementary and 590 high schools (including junior high schools). Expenditure per pupil, ADA, is $225. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentages are:

	Property Taxes	Other Sources	Total
Local school districts	44.7	0.0	44.7
Intermediate "	0.0	0.0	0.0
State	0.0	46.8	46.8
Federal	0.0	8.5	8.5
Total	44.7	55.3	100.0

The Arkansas Educational Television Commission is a separate organization but cooperates with the public school system.

CALIFORNIA - At the State level there are: The State board of education, with control powers, composed of ten members appointed by the governor and confirmed by two-thirds vote of the Senate; the superintendent of public instruction, also called the director of education, whose office is constitutional and who is elected; and a department of education with 78 officials concerned with affairs of elementary and secondary public schools, including: an associate superintendent in charge of instruction with a number of assistants - (a) a chief of supplemental education services having a staff including a chief of audio-visual education and school library education, also with consultants, (b) a chief of elementary education, with consultants, (c) a chief of secondary education, (d) a chief of national defense education, having a staff of consultants including one on audio-visual and school library education under NDEA; also there are a State librarian with an assistant; and in the administration department a chief of school planning with a senior architect as assistant. At the State level there are also a State Curriculum Commission, for the public schools, and a State Council of Educational Planning and Coordination to advise on coordinating schools and colleges.

County boards of education and county superintendents have an active role in supervision of subordinate school districts and in leadership, particularly in supplying audio-visual equipment and services.

There are 916 school superintendencies - 54 county intermediate, 3 county-unit, and 859 in local school systems. Budget requirements of subordinate districts are passed upon by county boards and county superintendents, with a few minor exceptions for large cities, and local taxes are collected through municipal authorities.

There are 58 counties in the State.

There are 2,473,392 elementary, and 726,063 high school students; 1,721 school districts; 4,647 elementary and 876 high schools (including junior high schools). Expenditure per pupil, ADA, is estimated at $424. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentages are:

	Property Taxes	Other Sources	Total
Local school districts	52.8	2.0	54.8
Intermediate "	.8	0.0	0.8
State	0.0	39.6	39.6
Federal	0.0	4.8	4.8
Total	53.6	46.4	100.0

The Television Advisory Committee advises the television co-ordinator concerning educational television. The Committee and the co-ordinator are independent of the school system but cooperate with it.

COLORADO - At the State level there are: the State board of education, a constitutional body having control powers and composed of five members elected to office; a Board of Teacher Certification to examine teachers; a commissioner of education appointed by and serving at the pleasure of the State board of education; and a State department of education established by statute. It has 49 officials concerned with affairs of elementary and secondary schools, including: (a) a director of library services, with an assistant director, a consultant on audio-visual instruction and one on school libraries; (b) an assistant commissioner on instructional services, under whom there is a director of elementary and secondary education having charge of several section heads, including one dealing with Title III, NDEA and one dealing with a project for certain small high schools and assisted by a coordinator of a film project.

There are county superintendents at the intermediate level, appointed by the commissioner of education, but no corresponding county boards of education.

There are 266 superintendencies, consisting of 62 county-intermediate, 1 county-unit, and 203 local school systems. Local school districts have school boards with control powers. They certify their budget requirements to county municipal authorities who levy taxes to provide for school support.

There are 63 counties in the State.

There are 308,870 elementary, and 84,820 high school students; 522 school districts; 885 elementary and 429 high schools (including junior high schools). Expenditure per pupil, ADA, is $394. (1959-60 figures).

Sources of revenue for school support in 1959-60, by percentages are:

	Property Taxes	Other Sources	Total
Local school districts	56.5	1.2	57.7
Intermediate "	15.4	0.0	15.4
State	0.0	20.7	20.7
Federal	0.0	6.2	6.2
Total	71.9	28.1	100.0

CONNECTICUT - At the State level there are: the State board of education, having control powers composed of nine members appointed by the governor; the Commissioner of education appointed by and serving at the pleasure of that board; and the Connecticut state department of education not specifically created but implied by statutory provision. It has fifty officials concerned with affairs of the elementary and secondary schools, including: (a) a director of instructional services, with a chief of elementary and secondary education, who has a number of consultants on special subjects including one on school library service, and also a chief of library services, with two assistants; (b) and under the director of administrative services a chief of school buildings with an architectural assistant and two plan reviewers.

There are no county superintendencies in the State, and of the 126 school superintendencies 13 are for supervisory unions, 8 for regional high school districts, and 105 for local school districts. Such high school districts serve a number of local school districts not maintaining their own high schools, but one independent of them. A supervisory union includes several towns and employs a separate superintendent to administer all of the schools in those towns. There are regional boards of education with broad control powers, also separate boards of education of towns with broad powers. Budgets are submitted to town municipal authorities which are required to levy taxes to meet them.

There are eight counties in the State.

There are 365,947 elementary, and 110,881 high school students; 175 school districts; 781 elementary and 214 high schools (including junior high schools). Expenditure per pupil, ADA, is $436. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentages, are:

	Property Taxes	Other Sources	Total
Local school districts	74.2	0.0	74.2
Intermediate "	0.0	0.0	0.0
State	0.0	23.3	23.3
Federal	0.0	2.5	2.5
Total	74.2	25.8	100.0

DELAWARE - At the State level there is a State board of education composed if six members appointed by the governor. It has broad control powers over all schools and, unlike almost all other States, exercises operational powers in a number of smaller school districts. Also at this level there are: the superintendent of public instruction, appointed annually by this board, and the State department of public instruction, in which there are 28 officials concerned with affairs of the elementary and secondary schools. These include: (a) an assistant superintendent for secondary education, (b) an assistant superintendent for elementary education, (c) a director for research and publications, and (d) several directors or supervisors of special subjects, in which audio-visual aids would probably be useful.

There are no intermediate officials or boards. Of the ninety superintendencies, 74 are State Board Unit Districts controlled in some slight degree by boards of trustees as representatives of the State board of education, and administered by principals (43) or head teachers (31). The remaining sixteen are Special Districts, each with a board of education, having control powers and a superintendent appointed by it. The State board of education manages the budgets and financial requirements of the State Board Unit Districts. On the other hand, the school board of a special district levies school taxes required to meet its budget and certifies amounts to municipal authorities who collect them. This is in addition to State aid received from the school fund or otherwise.

There are three counties in the State.

There are 61,655 elementary, and 5,651 high school students; 94 school districts; 146 elementary and 55 high schools (including junior high schools). Expenditure per pupil, ADA, is $455. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentage, are:

	Property Taxes	Other Sources	Total
Local school districts	9.8	0.0	9.8
Intermediate "	0.0	0.0	0.0
State	0.0	88.6	88.6
Federal	0.0	1.6	1.6
Total	9.8	90.2	100.0

FLORIDA - Organization at the State level differs somewhat from the usual pattern. The State board of education by statutory requirement consists of the governor, the secretary of state, the attorney general, the State treasurer, and the superintendent of public instruction. The State Board of Control, operating certain State institutions, and the Advisory Council on Education, succeeding an earlier citizens' advisory group, both report to the governor and have only minimal effect, if any, on elementary and secondary schools. These are under the broad control of the State board of education, which also has control and supervision of the Florida Educational Television Commission, a seven-member board which is a body corporate. The superintendent of public instruction, who is elected to office, is secretary, executive, and member of the State board of education and adviser to it, and probably has somewhat greater powers than his counterparts in some States. He and his staff comprise the State department of education, which has 75 officials concerned with affairs of elementary and secondary schools.

These include: (a) a coordinator for NDEA under the deputy superintendent; (b) an architect planner under the director of administration; (c) a director of instructional services with a large staff of consultants on special subjects, on elementary education, on secondary education, on instructional materials, on audio-visual instruction (also the coordinator of Title III programs NDEA), a curriculum specialist, and a curriculum librarian. At the State level there are also an ad hoc textbook committee, an ex officio textbook purchasing committee, and a courses of study committee reporting to the superintendent of public instruction.

There is no intermediate level, since Florida has a complete county-unit system. Each of the 67 counties in the State has a five-member county board of education, with control powers, and an elective county superintendent with administrative functions for all schools in cities and towns in the county. Each subordinate school district in the county has an elective three-member board of trustees with advisory, recommending and consultative powers, but no control powers. The county superintendent prepares tentative budgets for all subordinate districts, consolidates and submits them to the county board, which after review forwards them to the superintendent of public instruction for approval. Upon approval the budget is returned to the county board, which certifies necessary tax levies and amounts to county municipal officials who assess and collect the taxes.

There are 768,025 elementary, and 225,471 high school students; 67 school districts; 1,327 elementary and 533 high schools (including junior high schools). Expenditure per pupil, ADA, is $318. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentage, are:

	Property Taxes	Other Sources	Total
Local school districts	35.3	0.6	35.9
Intermediate "	0.0	0.0	0.0
State	0.0	59.2	59.2
Federal	0.0	4.9	4.9
Total	35.3	64.7	100.0

GEORGIA - The State board of education, with general control powers, composed of ten members is appointed by the governor and confirmed by the State senate. The State superintendent of schools, with administrative authority, is elected to office. The State department of education, organized as determined by the State board, and administered by the State superintendent, has 56 officials concerned with the affairs of the elementary and secondary public schools. These include: (a) a chief of school plant services and an architect under the director of school administration; (b) a director of instruction, and under him an assistant director in charge of curriculum, with several consultants on special subjects and one on elementary education; (c) a director of instructional materials and library services, with a chief and a library consultant on school libraries, a chief and several consultants on public libraries, and a supervisor of audio-visual services.

There is no intermediate level, but at the operating level there are 198 superintendencies or districts divided by type as follows: 124 complete county-unit systems, with a five-member county board of education established by the Constitution and having control powers, and an elective county superintendent having supervisory and administrative powers; 35 county systems, with similar county board and county superintendent, for county

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areas remaining after withdrawal of certain independent school districts from them; and 39 local school systems, independent of the county systems and, by Constitutional provision, subordinate parts of the municipal corporations of the cities where they are located. These last have a city board of education and a superintendent with powers and functions as determined by city charters and ordinances. The elected trustees of subordinate districts in a county or county-type district have only advisory functions but make recommendations for budgets. County boards, through their superintendents, prepare budgets which are voted on and form the basis of tax collections made by county authorities. Such budgets must be submitted to the State superintendent of schools in order for the county to qualify for State aid. Financing city schools follows the same pattern.

There are 159 counties in the State.

There are 748,166 elementary, and 200,933 high school students; 197 school districts; 1,682 elementary and 598 high schools (including junior high schools). Expenditure per pupil, ADA, is $253. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentage, are:

	Property Taxes	Other Sources	Total
Local school districts	23.6	0.0	23.6
Intermediate "	0.0	0.0	0.0
State	0.0	68.5	68.5
Federal	0.0	7.9	7.9
Total	23.6	76.4	100.0

HAWAII - The State board of education has ten members appointed by the governor subject to approval by the State senate, and an eleventh voting member, the superintendent of public instruction, ex officio, who, however, is appointed to office by the other board members and serves at their pleasure. The board heads the department of education by virtue of the same Constitutional provision that established it. The department has 38 officials concerned with both the operation and the administration of the public school system. They include: (a) a deputy director of curriculum with one staff member; (b) a deputy director of instructional aids with one assistant, a program specialist in school library services; (c) a deputy director of secondary education with no staff; and (d) a deputy director of elementary education, with eleven assistants, specialists in particular subjects.

While some schools in unorganized areas in Alaska, and a number of schools in smaller districts in Delaware, are controlled and operated by the State board, all public schools in Hawaii, except the University of Hawaii, are controlled and operated by the State board of education, which also has full authority for administering the department of education.

There are four school district superintendents exercising supervisory functions for the State board, and corresponding local school advisory councils, which, however, have no control powers. The complete school budget is prepared by the State department of education which notifies county municipal authorities of the requirements for capital outlay items which should be and are met by local taxation. The State provides funds for other items.

There are five counties in the State.

There are 106,008 elementary, and 33,421 high school students; one school district; 166 elementary schools and 119 high schools (including junior high schools). Expenditure per pupil, ADA is $330. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentage, are:

	Property Taxes	Other Sources	Total
Local school districts	7.2	6.9	14.1
Intermediate	0.0	0.0	0.0
State	0.0	70.6	70.6
Federal	0.0	15.3	15.3
Total	7.2	92.8	100.0

IDAHO - The State board of education, with general control powers, has six members, the State superintendent of public instruction *ex officio* and five members appointed by the governor. The State superintendent of public instruction is a constitutional, elective officer. He and the State board have joint responsibility for coordinating the State program of elementary and secondary education, which is accomplished through the State department of education with 21 officials serving for this purpose. They include: (a) a director of curriculum, with three supervisors of elementary education and one of high schools; (b) a director of State-Federal programs, with an administrator and two supervisors of Title III NDEA programs for foreign languages and for mathematics and science, respectively, as well as two other assistants.

There is no longer an intermediate level in Idaho, since the office of county superintendent of schools has been abolished. All schools are under the jurisdiction of the board of trustees, with control powers, and the superintendent, with supervisory powers, of the school district in which they are located. These boards prepare budgets, and after they are voted on and approved, the boards levy taxes for local school support.

There are 44 counties in the State.

There are 120,414 elementary, and 42,425 high school students; 156 school districts; 420 elementary and 215 high schools (including junior high schools). Expenditure per pupil, ADA, is $290. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentage, are:

	Property Taxes	Other Sources	Total
Local school districts	59.3	1.8	61.1
Intermediate " (minimal)	0.0	0.0	0.0
State	0.0	31.0	31.0
Federal	0.0	7.9	7.9
Total	59.3	40.7	100.0

ILLINOIS - There is no State board of education in Illinois, and no statutory provision establishing a department of education. However, the superintendent of public instruction, who is an elective officer, has a large staff which functions as a department of education. It is called the office of the superintendent of public instruction and has 95 officials concerned with elementary and secondary schools. These include: (a) a director of instructional services, with 24 consultants having responsibility for a region or for a special subject, including a coordinator of research; (b) a supervisor of Title III projects NDEA with nine consultants on science, four on foreign languages, and four on mathematics; (c) a coordinator and an associate on curriculum program; and (d) a supervisor of general services. There is also a school building commission at the State level.

Illinois has the county intermediate system under which there are 102 county school districts, each with a seven-member county board of trustees, elected to office and having limited powers, and a county superintendent of schools elected to office and having supervisory powers. The component local school districts have boards of trustees or boards of education with control and operating powers. These boards appoint a local superintendent, one of the duties of whom is to recommend budgets for approval of the board. There is some variance in procedure in districts of different sizes, but the local board proposes the budget, has hearings, adopts the budget and levies local taxes.

There are 102 counties in the State.

There are 1,356,360 elementary, and 421,509 high school students; 1,685 school districts; 3,882 elementary and 780 high schools (including junior high schools). Expenditure per pupil, ADA, is $438. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentage, are:

	Property Taxes	Other Sources	Total
Local school districts	67.1	0.0	67.1
Intermediate "	0.0	0.0	0.0
State	0.0	29.9	29.9
Federal	0.0	3.0	3.0
Total	67.1	32.9	100.0

INDIANA - The Indiana State board of education consists of eighteen members appointed by the governor, and one additional member, the State superintendent of public instruction, elected to office, who is ex officio member and president of the board, and chairman of each of the three Commissions into which it is divided: the Commission on General Education, which with the State superintendent has supervision of the department of public instruction; the Commission on Textbook Adoptions; and the Commission on Teacher Training and Licensing. The board as a whole has governing power. The department of public instruction has 32 officials dealing with elementary and secondary education, including: (a) an assistant superintendent for instructional services, with a staff, including a director of school libraries and teaching materials under whom there is a supervisor of audio-visual education; and (b) an assistant superintendent for field services, with a staff, including a director of schoolhouse planning and a director of science, mathematics, and modern foreign languages, with two supervisors.

The county intermediate system is used in Indiana with 82 county boards of education and corresponding county superintendents, elected by township trustees. The boards have governing power and the superintendents have supervision over common schools in their county. Subordinate districts, of which there are 208, have boards of trustees with governing and supply powers. There is some variation in procedures according to size of districts but not an essential difference.

There are 92 counties in the State.

There are 752,435 elementary, and 236,824 high school students; 928 school districts; 1,896 elementary and 749 high schools (including junior high schools). Expenditure per pupil, ADA, is $364. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentage, are:

	Property Taxes	Other Sources	Total
Local school districts	64.5	.5	65.0
Intermediate "	2.9	(minimal).0	2.9
State	.2	28.9	29.1
Federal	0.0	3.0	3.0
Total	67.6	32.4	100.0

IOWA - The State board of public instruction, with governing power, is composed of nine members, one appointed by the governor and confirmed by two-thirds vote of the senate, and eight elected from their respective districts by conventions of representatives of county or independent school boards. The board appoints the superintendent of public instruction, with a two-thirds vote of approval by the senate, and he has general supervisory powers. The department of public instruction is the administrative supervisory and consultative agency under the direction of the superintendent and the State board. It has 46 officials for this purpose, including: (a) an assistant superintendent in charge of instruction, with a director of advanced education and instructional services, under whom there is a consultant on curriculum development; and, (b) under the same assistant superintendent, a director of supervision with eight regional consultants and an elementary consultant. Directly under the superintendent of public instruction, there is a director of research and publications.

There are 99 county-intermediate school districts, each with a county board of education having control powers over all schools in the county except those in consolidated or independent districts. The board appoints the county superintendent. Subordinate districts are bodies corporate, each with a board of directors, having control and supply powers. There are 517 local school systems, including the consolidated and independent districts.

There are 99 counties in the State.

There are 456,986 elementary, and 141,117 high school students; 2,022 school districts; 3,806 elementary and 762 high schools (including junior high schools). Expenditure per pupil, ADA, is $368. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentage, are:

	Property Taxes	Other Sources	Total
Local school districts	83.4	.9	84.3
Intermediate "	1.1	0.0	1.1
State	0.0	11.0	11.0
Federal	0.0	3.6	3.6
Total	84.5	15.5	100.0

KANSAS - The State board of education, with governing powers, is composed of seven members appointed by the governor. The State superintendent of public instruction, having supervisory powers, is elected in general elections. The State department of public instruction has 48 officials dealing with elementary and secondary public schools, including a director of instructional services, under whom there is a director of curriculum with six consultants. One of the assistants of the State superintendent is the director of information who might have something to do with publications concerning audio-visual aids. The director of elementary and secondary school accreditation and his two consultants are probably also concerned with such instructional aids which are required in standards for accrediting schools, referred to elsewhere in this Report.

A county superintendent of public instruction whose office is established by the Constitution and who is elected has supervisory jurisdiction over all schools in his county except those under jurisdiction of boards of education in cities of the first and second class. There are 105 of such superintendents, but no corresponding county boards working with them. However, a county board of education does function in an operating capacity in a few counties having only a single common school district and no high school except a community high school. The subordinate school districts under a county superintendent have an elective school board with governing and supply powers. City school districts, operating independently, have a board of education, with ample powers, and a superintendent. The aggregate number of subordinate and independent districts is 341.

There are 105 counties in the State.

There are 365,565 elementary, and 113,065 high school students; 2,556 school districts; 2606 elementary and 670 high schools (including junior high schools). Expenditure per pupil, ADA, is $372. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentage, are:

	Property Taxes	Other Sources	Total
Local school districts	57.4	0.9	58.3
Intermediate "	17.2	0.0	17.2
State	0.0	19.1	19.1
Federal	0.0	5.4	5.4
Total	74.6	25.4	100.0

KENTUCKY - The State board of education, with governing power, consists of seven lay members appointed by the governor, without confirmation, and ex officio the superintendent of public instruction, a Constitutional officer elected every four years. The State department of education "shall consist of the State board of education and the superintendent of public instruction, who shall be the head of the department". It exercises all administrative functions of the State in the management and control of the public common schools, and has 55 officials engaged in such activities. They include: (a) a director of buildings and grounds, with several assistants, under the assistant superintendent for administration and finance; (b) an assistant superintendent for instruction, with a sizeable staff including a defense education coordinator, a director of research, a head of instruction with a director of instructional services having two assistants and seven supervisors; and, (c) also under the head of instruction, a director of textbooks and instructional material, with an assistant.

There is no intermediate level in the State. Altogether there are 209 superintendencies, or districts, of different kinds in Kentucky: 57 complete county unit systems, 63 county systems from the area of which certain independent districts have been withdrawn, and 89 local school systems or districts. The counties with the unit system, and those using that system for schools in the area remaining after withdrawal of independent districts, have an elective county board of education with control, operational, and supply powers, as well as a county superintendent, appointed by the board, with general supervisory powers. The 89 independent districts also have elective boards of education, with ample powers, and a superintendent with staff appointed by them.

There are 120 counties in the State.

There are 496,063 elementary, and 135,349 high school students; 212 school districts; 2,743 elementary and 434 high schools (including junior high schools). Expenditure per pupil, ADA, is $241. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentage, are:

	Property Taxes	Other Sources	Total
Local school districts	35.8	10.7	46.5
Intermediate "	0.0	0.0	0.0
State	0.0	46.1	46.1
Federal	0.0	7.4	7.4
Total	35.8	64.2	100.0

LOUISIANA - The State board of education, with control powers, has eleven members elected to office. The State superintendent, with supervisory powers, is also an elective officer. The State department of education has 44 officials engaged in activities relating to elementary and secondary schools, including: (a) the executive assistant to the State superintendent, serving also as director of materials of instruction, who has jurisdiction over a director of school housing, a director of research and statistics with a research consultant, a supervisor of information and publications, and an assistant supervisor of audio-visual productions and publications; (b) an assistant superintendent for elementary and secondary education with a staff of 24 assistants including a director of high schools with a supervisor and assistant, a director of elementary schools with a supervisor of primary schools, a supervisor of school libraries with an assistant, a supervisor of audio-visual education, a consultant on elementary and secondary education, a coordinator of Title III programs NDEA, and other specialists. Also at the State level is the Louisiana Educational Television Commission. This commission, although independent of the school system, is coordinated with it through membership of two representatives of the State board of education and two representatives of the State department of education in the commission.

Louisiana has a combination of county-unit and independent school systems, with a total of 67 superintendencies. There are 61 complete county-unit districts, and 3 which are incomplete but operated in the same way for the area of the counties (or parishes, as they are called in Louisiana) remaining after withdrawal of territory comprised in the three independent school systems or districts in the cities of Bogalusa, Lake Charles, and Monroe, respectively. Each county or parish has an elective parish school board, with control and supply powers, and a superintendent, elected and appointed by the board, with supervisory powers. The cities have their boards, with ample powers, and their superintendents.

There are 64 parishes in the State.

There are 542,379 elementary, and 150,823 high school students; 67 school districts; 1,207 elementary and 659 high schools (including junior high schools). Expenditure per pupil, ADA, is $372. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentage, are:

	Property Taxes	Other Sources	Total
Local school districts	19.5	5.8	25.3
Intermediate "	0.0	0.0	0.0
State	3.0	66.9	69.9
Federal	0.0	4.8	4.8
Total	22.5	77.5	100.0

MAINE - The State board of education, with control powers, is composed of ten members appointed by the governor with the advice and consent of his council, a constitutional advisory body elected by the legislature. Five of the board members are from private groups or associations representing the interests of colleges, municipalities, school superintendents, parents and teachers, and teachers. The other five are selected at large. The commissioner of education, with supervisory powers, is chosen and appointed by the State board. The department of education has 31 officials dealing with elementary and secondary schools, including: (a) an information officer on the immediate staff of the commissioner; (b) an executive director in charge of instruction with the largest staff including a chief of secondary education with a supervisor, a chief of elementary education with two elementary supervisors and supervisors in mathematics, modern foreign languages, and science; and (c) an executive director of field services and school plant development. At the State level there is a School District Commission, assisting in the consolidation of districts for more efficient and economical operation.

There are 125 school superintendencies in the State. Of these, 91 are in supervisory union districts composed of from two to twelve subordinate town districts, each of which has its own school board or superintending committee, with control and supply powers, but which combine in the joint employment of a single superintendent with supervisory powers for all districts in the union. In addition there are seventeen "school administrative districts" having a board of school directors, with control and supply powers, and a superintendent with supervisory powers, over all schools in the component subordinate districts which were merged and suspended as separate units in the creation of the new organization. There are also sixteen local school systems or districts (either independent or joint community) each with its board of education or community school committee, with control and supply powers, and a superintendent, with supervisory powers prescribed by the local governing body. There are no county superintendencies, but the larger "school administrative districts" resemble them in several respects.

There 151,856 elementary, and 43,469 high school students; 1,006 elementary and 178 high schools (including junior high schools). Expenditure per pupil, ADA, is $283. (1959-60 figures)

There are sixteen counties in the State.

Sources of revenue for school support in 1959-60, by percentage, are:

	Property Taxes	Other Sources	Total
Local school districts	56.5	8.1	64.6
Intermediate "	0.0	0.0	0.0
State	0.4	28.3	28.7
Federal	0.0	6.7	6.7
Total	56.9	43.1	100.0

MARYLAND - The State board of education, having broad control powers, is composed of seven members appointed by the governor, without confirmation. The State superintendent of schools is appointed by this board and has supervisory and administrative powers. The State department of education, "at the head of which shall be" the State board of education, has forty officials dealing with affairs of elementary and secondary public schools. These include: (a) an assistant superintendent in charge of administration, finance and research, with a supervisor and assistant supervisor of research, and a supervisor of instruction (research); (b) a director of instruction, with an assistant director and supervisor of high schools, two other supervisors of high schools, two supervisors of elementary schools, and two supervisors of instruction; (c) a director of library extension, a supervisor of school libraries and a supervisor of public libraries; (d) a director of certification and accreditation, and an assistant director supervising school plant planning.

Maryland has a complete county-unit system, except for Baltimore which has its own independent school system. In each county there is a county board of education, appointed by the governor except in one county where it is elected, with control and supply powers, and a county superintendent of schools appointed by this county board. Subordinate districts in each county have a district board of school trustees, but their function is mostly advisory and to some extent administrative.

There are 23 counties in the State.

There are 457,975 elementary, and 138,400 high school students; 24 school districts; 810 elementary and 258 high schools (including junior high schools). Expenditure per pupil, ADA, is $393. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentage, are:

	Property Taxes	Other Sources	Total
Local school districts	43.5	14.3	57.8
Intermediate "	0.0	0.0	0.0
State	0.0	36.0	36.0
Federal	0.0	6.2	6.2
Total	43.5	56.5	100.0

MASSACHUSETTS - The State board of education, with control powers but perhaps not as extensive as in some States, is composed of nine members appointed by the Governor with the advice and consent of his council. This board appoints the commissioner of education who serves at its will and has supervisory powers. The State department of education is quite large but many of its officials are concerned with matters not connected with the basic activities of elementary and secondary schools, e.g., state colleges, vocational education, university extension, and teaching of the blind. Some forty officials appear to be more immediately concerned with the ordinary public school system. They include: (a) a director of research and statistics with two educational research supervisors and several other assistants; (b) a director of elementary and secondary education with fifteen supervisors - some for special subjects, such as mathematics, modern languages, and science, two for secondary and two for elementary education in general; (c) a director and assistant director of library extension; (d) a director and two supervisors for civic education; and (e) an administrator of the school building assistance commission. Under the director of university extension, who has nine supervisors in education largely concerned with courses given to inmates of public institutions, hospitals and sanatoria, there is also an "assistant supervisor in education; coordinator, audio-visual services". External evidence indicates that he probably also has extensive dealings with school districts in supplying educational films, as discussed in Chapter III of this Report.

There are 256 school superintendencies in the State. Of these, 55 are unions, composed of from two to five school districts, each with a school committee of its own having control and supply powers, but no local superintendent. These school committees employ jointly a union superintendent with supervisory powers over all of the component districts, and organize a representative joint committee for union from their own membership, but with limited powers. Another type of superintendency, of which there are 29, is the regional school district which has a regional district school committee, or board, with control, supply, and corporate powers, and a superintendent with supervisory powers. The town districts organizing into such a regional district apparently cease to exist. In addition there are 172 independent local school systems for cities or towns, each of which has its school committee (board), with control and supply powers, and a superintendent, with supervisory powers.

There are fourteen counties in the State.

There are 643,044 elementary, and 217,623 high school students; 376 school districts; 1,691 elementary and 679 high schools (including junior high schools). Expenditure per pupil, ADA, is $410. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentage, are:

	Property Taxes	Other Sources	Total
Local school districts	67.2	0.0	67.2
Intermediate "	0.0	0.0	0.0
State	0.0	27.7	27.7
Federal	0.0	5.1	5.1
Total	67.2	32.8	100.0

MICHIGAN - There is a State board of education, but except in some questions concerning redistricting and also teacher qualification it has no functions connected immediately with the elementary and secondary public schools in the State. It can therefore be disregarded in the power structure. The superintendent of public instruction, a constitutional, elective official, has a concentration of control and supervisory powers. There is apparently no statutory provision for establishing a department of public instruction, but the office of the superintendent of public instruction functions as such a department and is so described in some publications. It is fairly large but there are only about forty officials in it who seem to be immediately concerned with ordinary activities of elementary and secondary public schools. These include: (a) under an assistant superintendent for departmental services, a consultant on State aid, Title III in NDEA and other subjects, and a chief of publications; (b) a head of research services with two consultants;

(c) under a deputy superintendent for instruction and his subordinate, an assistant superintendent for general education, there are an associate superintendent serving as director of curriculum research and a chief of curriculum services coordinating certain NDEA projects, and under him several consultants - two on elementary education, and two with several different duties including Title III projects under NDEA.

There are 725 school superintendencies in the State. Of these, 83 are county intermediate, with a county board of education, having some control and considerable recommending and servicing powers, and a county superintendent of schools, appointed by that board, with supervisory powers. Apparently the principal concern of the county intermediate districts is with subordinate districts, each of which is a body corporate, has an elective board with full control and supply powers, and the larger ones of which have a superintendent of schools, with supervisory powers, appointed by the board. In the two largest classes of school districts the board of education is itself a body corporate, elected to office, and it has broad control and supply powers and greater fiscal powers than the boards in smaller districts. They also, of course, have a superintendent of schools appointed by the board with supervisory powers. Altogether there are 642 local school superintendents in the State.

There are 83 counties in the State.

There are 1,253,466 elementary, and 371,781 high school students; 2,099 school districts; 4,035 elementary and 893 high schools (including junior high schools). Expenditure per pupil, ADA, is $423. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentage, are:

	Property Taxes	Other Sources	Total
Local school districts	51.9	0.0	51.9
Intermediate "	0.3	0.0	0.3
State	0.0	45.2	45.2
Federal	0.0	2.6	2.6
Total	52.2	47.8	100.0

MINNESOTA - The State board of education, composed of seven members appointed by the governor, has control powers. It appoints the commissioner of education. It also has control of the State department of education, established by statute, which is large. Some 63 officials appear to be immediately concerned with ordinary activities of elementary and secondary schools. They include: (a) under the commissioner of education, a director of educational research, with several assistants; (b) under an assistant commissioner for business and legal services, a director of school building planning and development, with an assistant; (c) under an assistant commissioner for instruction, a large staff, with a section chief on elementary and secondary schools, a director of secondary schools, a director of curriculum development, a director of graded elementary schools, a director of secondary schools and junior colleges, several consultants on special subjects, a director of ungraded elementary schools with four supervisors, a supervisor of audio-visual aids and an assistant, and a director of libraries with four assistants - two dealing with school libraries and two with library extension.

There are 565 school superintendencies in the State. Of these, 87 are at the county-intermediate level, each with a county school board and a county superintendent with supervisory powers. There is a variety of subordinate school districts each of which has a school board with control and supply powers, corporate powers, and authority to issue bonds. The larger districts have superintendents. Altogether there are 478 local school systems with superintendents.

There are 87 counties in the State.

There are 503,845 elementary, and 178,093 high school students; 2,581 school districts; 3,369 elementary and 612 high schools (including junior high schools). Expenditure per pupil, ADA, is $427. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentage, are:

	Property Taxes	Other Sources	Total
Local school districts	51.8	2.5	54.3
Intermediate "	3.4	0.5	3.9
State	1.9	36.7	38.6
Federal	0.0	3.2	3.2
Total	57.1	42.9	100.0

MISSISSIPPI - The State board of education, pursuant to constitutional provisions, is composed of the secretary of State, the attorney-general, and the superintendent of public education. Its powers do not seem to be quite so extensive as powers of similar boards in other States. The superintendent of public education, also a constitutional and elective official, has broad supervisory powers. The State department of education, established by statute, "shall consist of" the State superintendent of education, an assistant State superintendent of education, directors of respective divisions described, including the division of instruction, and necessary supervisors, assistants and employees. About thirty officials appear to be immediately concerned with the ordinary activities of elementary and secondary schools. These include: (a) the director of instruction, with a number of supervisors - one for secondary and one for elementary education, a supervisor of audio-visual education, a library supervisor, and several supervisors of special subjects; (b) under the director of school building and transportation, an assistant director for buildings. At the State level there is also a State educational finance commission.

There are 163 school superintendencies in the State. Of these 81 are local independent districts, each with its own board of trustees, having control and supply powers, and a superintendent of schools, appointed by the board, having supervisory powers. There are 31 complete county unit systems and 51 county systems, similar to the county unit, except that some of the area of the county has been withdrawn to establish the independent districts. The county unit and the county districts have a county board of education with control and supply powers and a county superintendent of education, elected to office, with supervisory powers.

There are 82 counties in the State.

There are 451,921 elementary, and 114,500 high school students; 151 school districts; 1,338 elementary and 606 high schools (including junior high schools). Expenditure per pupil, ADA, is $206. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentage, are:

	Property Taxes	Other Sources	Total
Local school districts	25.4	4.0	29.4
Intermediate "	1.5	0.1	1.6
State	0.0	60.7	60.7
Federal	0.0	8.3	8.3
Total	26.9	73.1	100.0

MISSOURI - The State board of education, with general control, is composed of eight members appointed by the governor and confirmed by the senate. It appoints a commissioner of education, with supervisory powers, some of his duties being prescribed by the board and others by statute. The State department of education, established by statute, is small and has only some 23 officials concerned with the ordinary operation of the elementary and secondary schools. These include: (a) under an assistant commissioner for administration, a director of school building services; (b) an assistant commissioner for instruction, with thirteen assistants, including a director of curriculum, a director of supervision, and a director of Title III projects NDEA.

There are 676 school superintendencies in the State. These include 114 county intermediate districts, each with a county superintendent, and 562 local school districts each with a board of education, having control and supply powers, and a superintendent appointed by the board, having supervisory powers. There are also common school districts governed by the board of directors, with control and supply powers but they have no superintendents.

There are 115 counties in the State.

There are 624,744 elementary, and 195,980 high school students; 1,921 school districts; an estimated 2,500 elementary and 572 high schools (including junior high schools). Expenditure per pupil, ADA, is $344. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentage, are:

	Property Taxes	Other Sources	Total
Local school districts	52.5	11.9	64.4
Intermediate "	0.2	0.0	0.2
State	0.4	30.4	30.8
Federal	0.0	4.6	4.6
Total	53.1	46.9	100.0

MONTANA - The State board of education has eleven members - the governor, the State superintendent of public instruction, and the attorney-general ex officio, and eight other members appointed by the governor with the advice and consent of the senate. It has general control powers. The State superintendent of public instruction, elected to office, has general supervisory powers. He is head of the State department of public instruction, which is relatively small, with some 23 officials concerned with the ordinary activities of elementary and secondary public schools. These include: (a) the deputy superintendent, coordinator of NDEA programs; (b) the director of instructional services, with a number of supervisors assisting him - one for elementary schools, one for high schools, one for Title III NDEA mathematics and science projects, one for Title III NDEA modern foreign language projects, and a supervisor of visual aids library.

There are 246 school superintendencies in the State. Of these, 56 are county intermediate, with a county superintendent having supervisory and coordinating powers, no corresponding county board, but a county board of school budget supervisors to consider the consolidation of preliminary budgets of school districts assembled by the county superintendent. School districts have a board of trustees with control and supply powers. Nine county high school districts have superintendents and 181 local school districts have superintendents, all with supervisory powers.

There are 56 counties in the State.

There are 109,164 elementary, and 35,834 high school students; 1,067 school districts; 1513 elementary and 193 high schools (including junior high schools). Expenditure per pupil, ADA, is $411. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentage, are:

	Property Taxes	Other Sources	Total
Local school districts	49.5	2.6	52.1
Intermediate "	19.0	0.0	19.0
State	0.0	23.2	23.2
Federal	0.0	5.7	5.7
Total	68.5	31.5	100.0

NEBRASKA - The State board of education is composed of six members elected to office on a non-partisan ballot. It has general control powers. It appoints and determines the tenure of the commissioner of education, who has general supervisory powers. By constitutional provision the State department of education consists of the State board and the commissioner of education. Officials are appointed as determined by the board. There are some thirty of these more directly concerned with operational activities of the elementary and secondary schools. They include: (a) under an assistant commissioner for administrative services, a consultant on school building services; (b) an assistant commissioner for instructional services, and under him a director of secondary education, a curriculum coordinator, an administrator and also a consultant of Title III projects NDEA, and a director, with a consultant on elementary education.

There are 511 school superintendencies in the State. Of these, 93 are under the jurisdiction of county-intermediate superintendents, elected to office, having general supervisory control, and serving without any county board of education. There are several classes of local school districts. The smaller ones have a district board, with control and supply powers, and a superintendent elected by the board and having supervisory powers, except that in some of the smallest class one districts there is no superintendent. All larger districts have a board of education with ample powers and a superintendent of public schools selected by the board, with supervisory powers. Altogether there are 418 local superintendents.

There are 93 counties in the State.

There are 215,579 elementary, and 67,142 high school students; 3,777 school districts; 3,777 elementary and 3,500 high schools (including junior high schools). Expenditure per pupil, ADA, is $337. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentage, are:

	Property Taxes	Other Sources	Total
Local school districts	75.3	1.8	77.1
Intermediate "	8.5	0.9	9.4
State	3.0	4.4	7.4
Federal	0.0	6.1	6.1
Total	86.8	13.2	100.0

NEVADA - The State board of education consists of eight members, six of whom are elected and who in turn appoint the remaining two - one a representative of labor, and the other a representative of agriculture. This board appoints a superintendent of public instruction, who has supervisory powers and is executive head of the State department of education. This department functions under the direction and control of the State board. It is rather small and has only some eighteen officials immediately concerned with the ordinary programs of elementary and secondary schools. These include: (a) a director of curriculum with several assistants - an elementary consultant, a deputy superintendent for curriculum, and four consultants on Title III projects NDEA, one each on mathematics, science, foreign languages, and library and English; (b) a first assistant superintendent dealing with personnel and publications, and several assistants including a consultant on school plant planning. At the top level there is also a State Textbook Commission.

The State has a complete county unit system with operational powers exercised at the county level in each of the seventeen counties. Statutory provision is made for the merger of two county school districts, however, to form a single joint school district. In either case a board of trustees has full operational, control and supply powers and may employ a superintendent of schools for the district, defining his powers and fixing his duties. Six educational supervision districts are established in the State, and it appears that some of the supervisory functions which are exercised by local superintendents in some other States may be exercised in these educational supervision districts by deputy superintendents of public instruction assigned to them by the State department of education.

There are seventeen counties in the State.

There are 52,242 elementary, and 14,173 high school students; 17 school districts; 171 elementary and 45 high schools (including junior high schools). Expenditure per pupil, ADA, is $430. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentage, are:

	Property Taxes	Other Sources	Total
Local school districts	30.8	2.4	33.2
Intermediate "	0.0	0.0	0.0
State	3.7	53.0	56.7
Federal	0.0	10.1	10.1
Total	34.5	65.5	100.0

NEW HAMPSHIRE - The State board of education, composed of seven members appointed by the governor and his council, has general control powers. It appoints the commissioner of education, who has supervisory powers. The State department of education is rather small and has only some nineteen officials whose duties seem to be more immediately concerned with ordinary activities of elementary and secondary schools. They include a chief of instruction with several assistants - a consultant and also a director of secondary school services, a director of elementary school services, and three directors of Title III projects NDEA, one each for mathematics, modern foreign languages, and science.

There are 48 school superintendencies in the State: 38 supervisory union and ten local school systems. The supervisory unions are composed of from three to eight school districts, each with its local board having control and supply functions. Such districts join in the employment of a single superintendent with supervisory powers over all schools in the districts of that union. The school districts not in such unions have their own superintendent with supervisory power and a board or cooperative school board with ample control and supply powers. Each school district is a corporation with corresponding corporate powers but municipal authorities issue bonds and raise funds for school support.

There are ten counties in the State.

There are 81,064 elementary, and 24,763 high school students; 230 school districts; 397 elementary and 92 high schools (including junior high schools). Expenditure per pupil, ADA, is $348. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentage, are:

	Property Taxes	Other Sources	Total
Local school districts	80.0	5.1	85.1
Intermediate "	0.0	0.0	0.0
State	0.5	8.2	8.7
Federal	0.0	6.2	6.2
Total	80.5	19.5	100.0

NEW JERSEY - The State board of education, composed of twelve members from different counties appointed by the governor and confirmed by the State senate, has ample control authority. The commissioner of education is also appointed by the governor and confirmed by the State senate. He has supervisory power, but is clearly subordinate to the State board. The State department of education consists of the State board, the commissioner, and subordinate divisions, bureaus, branches, committees and so on. This is a rather large department and there are some fifty officials whose titles suggest their principal concern with the ordinary operational activities of elementary and secondary schools. These include: (a) under the deputy commissioner for administration, there is a director of research and publications; (b) under an assistant commissioner for business and finance, a director of school building services; (c) an assistant commissioner for curriculum and instruction with a number of assistants including a director of elementary education with four assistants, a director of secondary education with three assistants, one on education and one on curriculum, and finally a coordinator of audio-visual education; (d) a director of the State library, archives and history, with several assistants including a head of the bureau of public and school library services with five assistants - two consultants, one on public library services and the other on school library services, a general reference librarian, an archival examiner and a supervisor of microfilm service. There is also in this department a director of the State museum with four assistants, all of whom might be said to function in an institutionalized audio-visual instructional collection. At the State level there are also an inspector of buildings and an inspector of accounts.

There are 342 school superintendencies in the State. Of these, 21 are county-intermediate, with a superintendent having supervision over the schools in the county not provided with their own superintendent. There is no county board functioning with him, but each of the school districts under his supervision has a board with control and supply powers. There are also 34 regional high school districts with a board and a superintendent invested with customary powers, and 287 local school systems with a board of education and a superintendent, with customary powers. The "Chapter 6" districts are probably those used for populous cities and communities, affording perhaps a greater degree of autonomy in fiscal matters, and the "Chapter 7" districts are for smaller cities and other communities. Elsewhere in this report a description is given of the county educational audio-visual aids commissions established in the State.

There are 21 counties in the State.

There are 796,462 elementary, and 254,617 high school students; 588 school districts; 1,646 elementary and 329 high schools (including junior high schools). Expenditure per pupil, ADA, is $488. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentage, are:

	Property Taxes	Other Sources	Total
Local school districts	72.4	0.9	73.3
Intermediate "	0.5	0.0	0.5
State	0.0	23.8	23.8
Federal	0.0	2.4	2.4
Total	72.9	27.1	100.0

NEW MEXICO - The State board of education, with general control powers, is composed of ten members elected from the several judicial districts of the State. It appoints the State superintendent of public instruction, who has supervisory powers and such other powers as the State board may delegate to him. The State department of education is reasonably large for the school population of the State. There are some 41 officials whose titles suggest primary concern with the ordinary operational activities of elementary and secondary schools. These include: (a) on the immediate staff of the superintendent of public instruction, a director of information and television; (b) on the staff of the chief of administrative services and school plant planning, a consultant on school plant planning; (c) a chief of instructional services, and under him some sixteen assistants, including a director of elementary education, a director of teacher education and audio-visual education, a director for each of the fields - science, mathematics, and modern foreign languages - a coordinator of civil defense education (i.e., NDEA) with a field service supervisor assisting him. At the State level there is also an official called chief of public school finance, who is assigned to this duty from his position in the State department of finance and administration.

There are 91 school superintendencies in the State. Of these, seven are county systems, each with a county board of education having control powers, and an elective county school superintendent having somewhat more extensive supervisory powers. He, in collaboration with the district judge of his county, selects the county board working with him. School districts in these county systems have their own board of educational trustees or board of education, with local control and supply powers, and their own superintendent with supervisory powers. Twenty-five counties in the State do not have county school organizations, and schools in those counties are administered by local school system superintendents. In addition to the seven county systems, there are 84 local school system superintendencies.

There are 32 counties in the State.

There are 179,806 elementary, and 51,198 high school students; 91 school districts; 506 elementary and 174 high schools (including junior high schools). Expenditure per pupil, ADA, is $363. (1959-1960 figures)

Sources of revenue for school support in 1959-60, by percentage, are:

	Property Taxes	Other Sources	Total
Local school districts	5.4	0.0	5.4
Intermediate "	6.1	0.5	6.6
State	0.6	74.7	75.3
Federal	0.0	12.7	12.7
Total	12.1	87.9	100.0

NEW YORK - The University of the State of New York, formerly called the Regents of the University of the State of New York, corresponds to the State board of education as found in most other States. However, it has been described as the most comprehensive educational organization in the world. It consists of all public and private elementary and secondary schools in the State, all publicly and privately controlled institutions of higher education, and all libraries, museums and other educational and cultural institutions admitted to or incorporated by the University. Its powers are exercised by the board of regents of The University of the State of New York, who have authority to legislate in the field of educational matters, incorporate educational organizations in the State, and to regulate, control, and supply educational organizations in the State. The board of regents consists of thirteen members elected by the State legislature, and the board appoints the commissioner of education, who serves at its pleasure, exercises supervisory powers and other authority delegated to him by the board. The education department, which is an integral part of The University of the State of New York, has been invested by statute with all of the powers of this organization and all of the powers of the board of regents. It may sometimes not be clear which organizational authority is being exercised, but there is never any doubt about the amplitude of pervasive powers of this organizational complex.

The education department, with its manifold activities and many administrative divisions and bureaus, is by far the largest such organization in the country. There are some 170 officials whose titles suggest immediate concern with some aspect of the operational activities of elementary and secondary public schools in the State. There is an associate commissioner for research and special studies with a number of assistants, including a director and five associates in education research. There is an associate commissioner for elementary, secondary, and adult education, with five assistant commissioners, each dealing with a separate field. One is an assistant commissioner for general education. Under his supervision there are: (a) a director of elementary education, with three chiefs, and their assistants, dealing respectively with child development and parent education, elementary curriculum development, and elementary school supervisions; (b) a director of secondary education, with two chiefs, one dealing with secondary curriculum development and having some thirty assistants or supervisors for their respective special subjects, and another chief for secondary school supervision, with five supervisors and an associate for defense education (NDEA). Another assistant commissioner, who deals with school finance and administrative services, has on his staff a director of school buildings and grounds with several supervisors, engineers, and architects.

The associate commissioner for cultural education and special services has on his staff a State historian with several assistants, a State librarian and assistant commissioner of libraries with a number of assistants, and a director of the division of motion pictures. The original function of this division was to censor and license motion pictures for public exhibition. However, within this division there are a consultant on educational communications and under him a supervisor and four associates, all of whom may have some function connected with the supply of educational films to the public schools.

To one side of the general organizational structure but still within it, there are the organizations for educational television established by the board of regents. One is a closed circuit system for schools in three small towns, which is probably operated by officials of the local school districts. The other is the educational television project for New York City, Station WPIX, serving the schools there.

In spite of all of the concentration of power at the State level, authority to operate the schools has been left at the local level. The variety of the organization of school districts is somewhat confusing, but details can be omitted here. There are 297 school superintendencies in the State. Of these, 98 are supervisory districts and 199 are local school system superintendencies. There are no county school superintendents in the State. In a supervisory district, several smaller school districts have been brought under the supervision of a single superintendent, who in some respects is a representative of the commissioner of education. This district superintendent is elected by officials called school directors, who apparently have no other function than this, or by the appropriate county judge. There is no board of education working on the same level with this district superintendent. Each of the component school districts has its own board of trustees or board of education, with control and supply powers, and most of them have a local superintendent with limited powers. All of the school districts which are not in one of these supervisory districts have their own board of education with ample control and supply powers and their own superintendent, with supervisory powers, except a few of the small so-called common school districts, which have a board but no superintendent. In anticipation of further consolidation of school districts within the State, there is provision for establishment of a board of cooperative educational services, in the creation and activities of which several school districts participate.

There are 62 counties in the State.

There are 2,126,130 elementary, and 702,723 high school students; 1,327 school districts; an estimated 3,654 elementary and an estimated 1,471 high schools (including junior high schools). Expenditure per-pupil, ADA, is $563. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentage, are:

	Property Taxes	Other Sources	Total
Local school districts	54.2	0.0	54.2
Intermediate "	0.0	1.0	1.0
State	0.0	42.6	42.6
Federal	0.0	2.2	2.2
Total	54.2	45.8	100.0

NORTH CAROLINA - The State board of education, with general control powers, is composed of thirteen members: three ex officio, the lieutenant-governor, the State treasurer, and the State superintendent of public instruction, and ten members appointed by the governor (eight from the respective eight educational districts of the State and two at large), subject to confirmation by the general assembly in joint session. The State superintendent of public instruction, with supervisory control, is a constitutional and elective official. The State department of public construction, for which he and the State board have joint responsibility, is rather large for the school population of the State. It has some 82 officials whose titles suggest primary concern with ordinary operations of the elementary and secondary public schools. They include: (a) a coordinator of NDEA programs with an assistant; (b) a supervisor of research; (c) a supervisor of publications; (d) an assistant superintendent for instruction; (e) a director of instructional services with quite a large staff. Under him there are ten supervisors, some of whom have a number of assistants. The supervisor for supervision and curriculum has six supervisors of elementary education, one for secondary education, one for science, one for mathematics, and others. At the same level there is a supervisor of library services with two assistant supervisors, one especially for instructional materials. At the same level there is a supervisor of audio-visual services with an assistant supervisor. Also at the same level there is a supervisor of foreign languages with an assistant supervisor. Also at the same level there is a supervisor of educational television. Other supervisors deal with special subjects. In another division there is a director of school planning who has several consultants or assistants, including two design consultants.

There are 172 school superintendencies in the State. Of these, 49 are complete county-unit systems and 51 are county systems similar to them except that a part of the area of these counties has been withdrawn for the establishment of 72 local school superintendencies which are independent of the county system. In the counties, whether the area is co-extensive with the boundaries or has been reduced in size by withdrawal for independent districts, there is a county board of education appointed by the general assembly and having ample control and supply powers. This board appoints a county superintendent, subject to approval of the State superintendent of public instruction, and the State board of education, and he has supervisory powers. The board also appoints school committees for the several districts in the county. They have appointive powers and custodial powers. In the independent school districts not included in the county system there are also boards of education and superintendents with powers corresponding to those of similar bodies or officials in the county system.

There are 100 counties in the State.

There are 844,346 elementary, and 261,066 high school students; 174 school districts; 2,019 elementary and 900 high schools (including junior high schools). Expenditure per pupil, ADA, is $240. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentage, are:

	Property Taxes	Other Sources	Total
Local school districts	18.9	8.9	27.8
Intermediate "	0.0	0.0	0.0
State	0.0	66.1	66.1
Federal	0.0	6.1	6.1
Total	18.9	81.1	100.0

NORTH DAKOTA - The State board of public school education is composed of the governor, as chairman, the attorney-general, the superintendent of public instruction, and two other members - one to be selected by the North Dakota Educational Association and one to be selected by the North Dakota School Officers Association. This board has certain control powers but they do not seem so extensive as those for similar boards in other States. The superintendent of public instruction, who is a constitutional and elective official, has general supervision of the schools and responsibility to carry out policies of the board and the program of education. The State department of public instruction is rather small, only 27 officials being reported in the source consulted. These include a director of State examinations and elementary education, a director of secondary education with an assistant, a consultant on science, a director on State-Federal relations under Public Law 864 (NDEA), and a director of high school supervised study.

There are 376 school superintendencies in the State. The county intermediate system is used and there is an elective county superintendent in each of the 53 counties. He has general supervisory powers and exercises personal supervision in those school districts within his county which do not employ their own superintendents. He operates without a corresponding county board of education, which is found in some States, but under provisions of recent legislation appearing in North Dakota session laws 1961, Chapter 139, providing for the county special education program, the county superintendent is authorized to appoint a county board of special education. Statutes on this subject appear in the North Dakota Century Code, Volume 3, 1961 Cumulative Pocket Supplement, Sections 15-59.1-01 through 15-59.1-10. The county board of special education provided for has very limited functions but a useful purpose in establishing cooperative services among school districts through factual arrangements made by such boards. The local school districts subordinate to the county organization in which they are located all have an elective school board with ample control and supply power and most of them have their own superintendent appointed by the local board to exercise supervisory powers under the board's direction. There are 323 local school superintendencies.

There are 53 counties in the State.

There are 101,166 elementary, and 35,600 high school students; 1,351 school districts; 1,411 elementary and 352 high schools (including junior high schools). Expenditure per pupil, ADA is $370. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentage, are:

	Property Taxes	Other Sources	Total
Local school districts	26.8	0.0	26.8
Intermediate "	31.2	0.0	31.2
State	0.4	33.8	34.2
Federal	0.0	7.8	7.8
Total	58.4	41.6	100.0

OHIO - The State board of education, a constitutional body, consists of 23 elective members, one from each of the congressional districts in the State. It has broad control powers, and it selects the superintendent of public instruction who serves at the pleasure of the board. His office and the method of his appointment are provided for in the Constitution. He has general supervisory powers. The State department of education consists of the State board of education, the superintendent of public instruction, and a staff which is rather large. The officials who seem to be most immediately concerned with ordinary activities of elementary and secondary schools include: (a) under an assistant superintendent for department services, a chief of school buildings section with two supervisors; (b) an assistant superintendent of instruction who has a large staff with six directors, each with a staff of assistants - a director of elementary and secondary education, with four school supervisors and two elementary supervisors, supervisors in special subjects, a coordinator of Title III NDEA projects, and two education specialists of Title III NDEA projects - a director of audio-visual education, and a coordinator assisting him; and (c) under an assistant superintendent for school administration, a director of research with two education specialists in research. Chapter 3305 of the Ohio Revised Code provides for a program of examining, censoring, and licensing, by the department of education, of all motion picture films to be publicly exhibited or displayed. Apparently there is no special provision for a functional division within the educational structure to perform this service, but it is probable that the director of audio-visual education, referred to above, may have duties connected with the disposition of license fees and the administration of a collection of visual aids as referred to in Section 3305.03 of the Revised Code.

There are 307 school superintendencies in the State: 87 county intermediate, one complete county-unit, and 219 local school systems. Each of the county-intermediate districts has a board of education, elected to office, with control powers over subordinate local districts and, upon their request, purchasing power for them. The county board of education appoints the county superintendent, who has supervisory powers over all of the component local districts since they have no superintendent of their own. The local districts have a board of education, elected to office, with control and supply powers and with authority to appoint an executive head with administrative functions, upon approval by the county superintendent, but not a superintendent. The single county-unit district in the State operates as a local unit, the board having both control and supply power, and the superintendent supervisory power. Each of the exempted village school districts, city school districts, or joint districts, not included in the county intermediate system, and comprising the 219 local school systems, has its own board of education with control and supply powers, elected to office, and its own superintendent with supervisory powers, appointed by its board of education.

There are 81 counties in the State.

There are 1,469,707 elementary, and 436,288 high school students; 936 school districts; 3,024 elementary and 1,113 high schools (including junior high schools). Expenditure per pupil, ADA, is $392. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentage, are:

	Property Taxes	Other Sources	Total
Local school districts	63.9	5.5	69.4
Intermediate "	0.0	0.0	0.0
State	0.0	27.4	27.4
Federal	0.0	3.2	3.2
Total	63.9	36.1	100.0

OKLAHOMA - The State board of education is composed of seven members, the superintendent of public instruction ex officio, and six members appointed by the governor subject to approval by the senate. It has general control powers. The superintendent of public instruction, with executive and supervisory powers, is an elective official. The State department of education, created by statute, includes a State board of education as governing board, the superintendent of public instruction as executive officer and other officials. There are only some 24 officials whose titles seem to suggest primary concern with the educational activities of elementary and secondary schools. They include an assistant superintendent for instruction, a director of instruction, a director of school plant services, a director of defense education (NDEA), a director of research and census, a director of curriculum education, a foreign language supervisor, and a director of educational television. Within the State organization there are several regional libraries for the collection of educational films, maintained by the department of education in collaboration with several colleges to provide films to county superintendents and local school boards as well as other users. The Oklahoma Educational Television Authority, which is an instrumentality of the State, is a separate corporation, but one of its principal purposes, of course, is to cooperate with educational organizations, including those in the public school system, in providing educational television programs.

There are 621 school superintendencies in the State: 77 county intermediate and 544 local school system superintendencies. There are two kinds of local school districts; dependent, or those designated by the State board of education as independent, on the basis of plant and other facilities and maintenance of a four-year high school accredited by the State board. Dependent districts have a three member school board elected to office, and independent school districts have a five-member elective board. In both cases the local board has control and supply powers and authority to appoint employees including a superintendent. The dependent districts, however, are subject to the supervision of their county superintendent in the county-intermediate system, while the independent districts are not. The county superintendent operates without a corresponding county board.

There are 77 counties in the State.

There are 395,401 elementary, and 138,527 high school students; 1,322 school districts; 1,866 elementary and 930 high schools (including junior high schools). Expenditure per pupil, ADA, is $311. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentage, are:

	Property Taxes	Other Sources	Total
Local school districts	34.0	2.6	36.6
Intermediate "	5.3	16.6	21.9
State	0.0	32.2	32.2
Federal	0.0	9.3	9.3
Total	39.3	60.7	100.0

OREGON - The State board of education is composed of seven members appointed by the governor, one from each congressional district, and approved by the senate. It has general control powers. The superintendent of public instruction is elected and appointed by the State board. He is executive head of the department of education and has supervisory powers. This department appears to be fairly large, and there are some 48 officials whose titles suggest a primary concern with the ordinary operational activities of the elementary and secondary schools. These include: (a) under the immediate supervision of the superintendent of public instruction, an administrator of the Oregon project for improvement of education; (b) under the jurisdiction of the deputy superintendent for staff services, a publications editor; (c) an assistant superintendent for instruction with a staff of three directors, each with several assistants - director of elementary education with six supervisors, a director of secondary education with four supervisors, a director of curriculum and instructional services with seven consultants on such special subjects as modern foreign languages, school libraries, science, instructional material, mathematics and other subjects, as well as a supervisor of curriculum and a supervisor of curriculum, publications and educational television; (d) under an assistant superintendent for administrative services, a director of research and apportionment with a staff including a supervisor of educational research, and a director of school house planning with a consultant. At the State level there is also a State board of textbook commissioners which, in addition to its duties concerning textbooks, advises the State board of education on curriculum construction. The State board of higher education has been constituted the managing agency of radio stations

KOAC and KTEC and of all educational television facilities for which it is the licensee of the Federal Communications Commission. While this organization is not a part of the educational structure for the elementary and secondary schools, enabling legislation permits them to benefit from such facilities controlled by it. Legislation enacted in 1961 declaring educational television and radio to be suitable means of instruction in the public schools of Oregon, directs the State board of education to appoint an advisory committee of seven members to advise the superintendent of public instruction on the planning and preparation of in-school television programs.

There are 157 school superintendencies in the State: 34 county intermediate, 2 county-unit, and 121 local school system superintendencies. The two county-unit systems are operated as independent districts, with a school board, having control and supply powers, and a superintendent with supervisory powers. In those counties where the county intermediate system is used, the county school superintendent may appoint a county educational board, of which he is ex officio chairman. This board has very limited powers, relating principally to the employment and control of supervisors of subordinate school districts. Otherwise its function seems to be purely advisory to the county school superintendent. The local districts have a school board, with control and supply powers, and authority to appoint a superintendent with supervisory powers.

There are 36 counties in the State.

There are 288,638 elementary, and 100,134 high school students; 572 school districts; 1,071 elementary and 275 high schools (including junior high schools). Expenditure per pupil, ADA, is $448. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentage, are:

	Property Taxes	Other Sources	Total
Local school districts	42.3	0.0	42.3
Intermediate "	25.4	0.0	25.4
State	0.0	29.4	29.4
Federal	0.0	2.9	2.9
Total	67.7	32.3	100.0

PENNSYLVANIA - The State Council of Education, with advisory and legislative powers, is composed of ten members - the superintendent of public instruction as president and chief executive officer, and nine other members appointed by the governor from the State at large and approved by two-thirds vote of the senate. The superintendent of public instruction is also appointed by the governor and confirmed by two-thirds vote of the senate. The State department of public instruction is very large, and apparently one of the best organized in the country from a functional standpoint. There are some 140 officials in it whose title suggests primary concern with ordinary operational activities of the elementary and secondary public schools. These include:

(a) a director of program leadership and development with three educational program specialists;

(b) a director of publications and information, with two assistants;

(c) a director of State council research;

(d) a director of research with six assistants;

(e) a deputy superintendent of curriculum services with four principal assistants and a large staff, some of whom are: coordinator of NDEA programs; a director of curriculum development with five specialists assisting him; a director of curriculum services, and an assistant director, with a staff of 18 specialists or advisors on such subjects as mathematics, science, modern foreign languages, and a number of other separate subjects;

(f) a deputy superintendent for special school services and instructional materials and mass media, with four directors of separate sections, the most significant of whom is the director of instructional materials and mass media, with ten assistants, including a coordinator of production and distribution with two photographers and a designer assisting him, a specialist in audio-visual equipment, a coordinator of regional instructional materials centers, a specialist in radio-television, a coordinator of in-service training, an information writer, and a film librarian.

(g) a deputy superintendent for school administration services in whose large section there is a director of school buildings with fourteen assistants for different specialties;

(h) a State librarian with nine assistants for different specialties, including a visual aids librarian and a director of technical services.

At the State level there are also an Advisory Committee on Building Standards and a State Public School Building Authority.

There are 258 school superintendencies in the State: 64 county intermediate, 2 county-unit, and 192 local system superintendencies. Included in the 192 local districts are 43 jointures (informal contractual consolidations) and 9 unions (formal consolidations). The county unit districts operate as independent local districts with a board, having control and supply powers, and a superintendent having supervisory powers. Class 1, 1A, 2 (all of which have superintendents), and those Class 3 districts having a superintendent operate independently under a board of public education, or board of school directors, having control and supply powers, and a superintendent with supervisory power appointed by the board. The Class 3 districts without a superintendent and the Class 4 districts are under the jurisdiction of the county board, with control and service but no supply powers, and the county superintendent with supervisory powers according to the county intermediate system. The subordinate districts have a board of school directors with local control and supply powers, and authority to join contractually in establishing audio-visual libraries and instructional materials centers.

There are 67 counties in the State.

There are 1,440,474 elementary, and 513,678 high school students; 986 school districts; 4,179 elementary and 1,006 high schools (including junior high schools). Expenditure per pupil, ADA, is $401. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentage, are:

	Property Taxes	Other Sources	Total
Local school districts	40.2	10.8	51.0
Intermediate "	0.1	0.0	0.1
State	0.0	45.9	45.9
Federal	0.0	3.0	3.0
Total	40.3	59.7	100.0

RHODE ISLAND - The State board of education, with control of the State department of education and the school system, is appointed by the governor. There are seven members. This board appoints the commissioner of education, who has executive power. The department of education has some 26 officials whose titles suggest duties connected with ordinary operational activities of elementary and secondary public schools. They include: (a) an assistant commissioner for instructional services with 13 supervisors or consultants on different subjects, among whom are a supervisor of curriculum, a supervisor of mathematics, a supervisor of science, a coordinator on modern foreign languages, and a supervisor and an assistant supervisor of audio-visual aids; (b) an assistant commissioner for research and planning, with four assistants. The State board of education is invested with certain powers in promoting the use of educational television, and an advisory commission, at the State level, has been created to advise it concerning such activities.

There are 41 school superintendencies in the State: two regional high school and 39 local system superintendencies. Each school district, whether regional or town, has a school committee (board) with control and supply powers and a superintendent, appointed by the committee, with supervisory powers.

There are five counties in the State.

There are 100,814 elementary, and 32,503 high school students; 39 school districts; 284 elementary and 66 high schools (including junior high schools). Expenditure per pupil, ADA, is $413. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentage, are:

	Property Taxes	Other Sources	Total
Local school districts	72.8	(minimal) 0.0	72.8
Intermediate "	0.0	0.0	0.0
State	0.0	21.8	21.8
Federal	0.0	5.4	5.4
Total	72.8	27.2	100.0

SOUTH CAROLINA - The State board of education, with control powers, consists of the governor and the State superintendent, ex officio, and seven other members appointed by the governor without confirmation. The superintendent of education is elected to office. He has supervisory powers and the specific duty of arousing public interest in improving the public school system. The State department of education has some 33 officials whose titles suggest duties connected with the ordinary operational activities of elementary and secondary public schools. They include: (a) in the immediate office of the superintendent of education, an editor of publications; (b) a director of instruction with a staff of 23 assistants, among whom are a supervisor of high schools with an assistant, a chief supervisor of elementary education with a supervisor as assistant, a State agent for Negro schools with an assistant and a supervisor of Negro schools to assist him, a supervisor of library services, a supervisor of audio-visual aids, a field supervisor of extension services, and a coordinator of Title III NDEA programs with four supervisors on special subjects to assist him. At the State level there are also a State School Book Commission and a State Educational Finance Commission.

There are 127 school superintendencies in the State: 22 county intermediate with jurisdiction over subordinate districts, 24 county unit operating as local districts, and 81 local school system superintendencies. Organizations vary, but local boards of trustees, of whatever kind and irrespective of superior supervision, if any, have local control and supply powers.

There are 46 counties in the State.

There are 482,442 elementary, and 127,657 high school students; 108 school districts; 1,003 elementary and 416 high schools (including junior high schools). Expenditure per pupil, ADA, is $220. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentage, are:

	Property Taxes	Other Sources	Total
Local school districts	22.7	1.0	23.7
Intermediate "	0.6	0.0	0.6
State	0.0	66.9	66.9
Federal	0.0	8.8	8.8
Total	23.3	76.7	100.0

__SOUTH DAKOTA__ - The State board of education, consisting of seven members, is appointed by the governor and confirmed by the senate. It has control of policies for the department of public instruction and the public schools, adopts standards and issues rules and regulations. The superintendent of public instruction, who is elected to office, has general supervision over the schools. The department of public instruction is small, and there are only about fifteen officials whose titles suggest duties immediately connected with ordinary operational activities of elementary and secondary schools. Among these are the deputy superintendent acting as supervisor of Title III NDEA, a supervisory of elementary education, a supervisor of secondary education, and a director of research.

There are 316 school superintendencies in South Dakota: 64 county intermediate, 3 county-unit, and 249 local school system superintendents. Under the county-intermediate system there is a county board of education in each county, with limited consultative and advisory powers, and a county superintendent, having general supervision of all schools in the county and direct supervision of all schools in the common school districts in the county. In the county-unit counties the county board of education has broader powers, since the district is operated as a local district. Independent school districts have a school board with control and supply powers and a superintendent appointed by the board with supervisory powers. A common school district has a common school board with local control and supply powers and may also appoint a superintendent but is under closer supervision by the county superintendent in the county intermediate system.

There are 68 counties in the State.

There are 116,436 elementary, and 37,160 high school students; 3,070 school districts; 3,583 elementary and 266 high schools (including junior high schools). Expenditure per pupil, ADA, is $347. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentage, are:

	Property Taxes	Other Sources	Total
Local school districts	54.9	3.8	58.7
Intermediate "	21.2	0.8	22.0
State	0.0	10.1	10.1
Federal	0.0	9.2	9.2
Total	76.1	23.9	100.0

TENNESSEE - The State board of education is composed of the governor, the commissioner of education as chairman, and nine other members appointed by the governor without confirmation. This board has general policy control but perhaps not as much power as its counterpart in some other States. The commissioner of education is also appointed by the governor without confirmation and serves at his pleasure. Appointments made by him in the department of education at the official level are subject to approval of the governor. The State department of education is rather large and there are 48 officials whose titles suggest duties connected with the ordinary operational activities of elementary and secondary schools. Among them are: (a) under an executive assistant to the commissioner, a research and publications specialist; (b) under a coordinator of school plants, a director of school plants with two assistants; (c) a coordinator of instruction and under him three directors including a director of curriculum and supervision with a number of assistants for special subjects - an assistant director for curriculum, a supervisor and consultant of instruction, a supervisor of audio-visual instruction, two supervisors of instruction in science, and one each for mathematics and for modern foreign languages; (d) a State librarian and archivist with several assistants. Also at the State level there are an advisory council on teacher education and certification, a commission on building educational facilities, and a State Textbook Commission.

The Tennessee Education Television Commission is an independent organization but advises various educational organizations on educational television and supplies matching funds for operating facilities.

In Tennessee there are 154 school superintendencies: 55 complete county-unit systems, 40 county systems similar to them except that the county area has been decreased by withdrawal of territory included in city school or special school districts, and 59 local school systems - that is, those which have withdrawn - independent of the county systems. Each county, whether intact or reduced in size, has a county board with control and supply powers and a county superintendent with supervisory powers. The independent school districts operate under city charters but have essentially the same powers and structure.

There are 95 counties in the State.

There are 628,562 elementary, and 181,738 high school students; 153 school districts; 2,507 elementary and 525 high schools (including junior high schools). Expenditure per pupil, ADA, is $238. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentage, are:

	Property Taxes	Other Sources	Total
Local school districts	29.5	5.0	34.5
Intermediate " (included with local districts)			
State	0.0	58.3	58.3
Federal	0.0	7.2	7.2
Total	29.5	70.5	100.0

TEXAS - At the top level there is the central education agency, with over-all power, composed of the State board of education, the State board for vocational education, the State commission of education, and the State department of education. The State board of education, which is the policy forming and planning body within this complex, is composed of 21 members elected in the general elections and reporting to the legislature. This board elects and appoints the State commissioner of education who has executive and supervisory power and who appoints employees of the State department subject to general rules of the State board. The State department of education, being that part of the central education agency composed of professional, technical and clerical staff, is rather large but not unduly so. There are some 60 officials whose titles suggest duties connected with ordinary operations of elementary and secondary schools. These include: (a) under an assistant commissioner for administration, a director of administrative services with several consultants including a chief consultant on school plant and a consultant on school architecture; (b) an assistant commissioner for instruction under whom there are several section heads and their staffs - an administrative assistant, a director of program development and school accreditation with three assistants, a director of program development with four consultants including one on secondary education and one on mathematics, a director of teacher education and certification with two assistants, a director of guidance and supervision with an assistant director on programs and materials, a consultant on elementary education, one on foreign languages, one on library services, as well as a consultant on audio-visual education, and finally a director of instructional media with three assistants. Also at the State level there is a State Textbook Committee.

There are 1,256 school superintendencies in Texas: 244 county *intermediate, 5 county-unit,* and 1,007 local school system superintendencies. The powers of county boards and county superintendents in the county-unit systems are similar to those in other States. In the county-intermediate systems the county school trustees have management and supply powers but are subordinate to the county superintendent. In the other local school systems not incorporated into the county-intermediate system, there is the greatest variety of organization and regulations. However, in each there is a board with control and supply powers and a superintendent with supervisory powers appointed by the board.

There are 254 counties in the State.

There are 1,611,765 elementary, and 456,393 high school students; 1,581 school districts; 3,780 elementary and 1,909 high schools (including junior high schools). Expenditure per pupil, ADA, is estimated at $330. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentage, are:

	Property Taxes	Other Sources	Total
Local school districts	42.5	1.9	44.4
Intermediate "	0.0	0.1	0.1
State	5.0	45.7	50.7
Federal	0.0	4.8	4.8
Total	47.5	52.5	100.0

UTAH - The State board of education, with general control powers, is composed of nine members elected to office from their respective election districts in the State. This board appoints the superintendent of public instruction who has supervisory powers and serves at the pleasure of the board. Apparently there is no statutory authority creating the State department of public instruction as such but it has been created under general authority of the State board and functions as the office of the superintendent of public instruction. It is rather small. There are some 25 officials whose titles seem to indicate duties connected with the ordinary operations of the elementary and secondary schools. These include: an assistant superintendent for instruction; a director of secondary education with four assistants including supervisors for mathematics, science, and modern foreign languages; a director of elementary education with an assistant; a director of research with two assistants, including an assistant director in the area of curriculum; a director of teacher personnel and certification; a director of school plant planning; a director of publications production; and a director of educational television. At the State level there is a State Textbook Commission which apparently serves also as the course of study committee.

There are forty school superintendencies in the State: 22 county unit systems, 11 county districts, and 2 county systems in which are located two of the five local school system superintendencies in the State. Five counties have no county superintendent. Otherwise each of the school districts, whether county or city, has a superintendent with supervisory powers appointed by the county or city board of education, which has control and supply powers.

There are 29 counties in the State.

There are 178,064 elementary, and 57,870 high school students; 40 school districts; 401 elementary and 153 high schools (including junior high schools). Expenditure per pupil, ADA, is estimated at $322. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentage, are:

	Property Taxes	Other Sources	Total
Local school districts	45.5	4.9	50.4
Intermediate "	0.0	0.0	0.0
State	8.2	36.7	44.9
Federal	0.0	4.7	4.7
Total	53.7	46.3	100.0

VERMONT - The State board of education, with control powers, is composed of seven members appointed by the governor and confirmed by the senate. This board, with the approval of the governor, appoints the commissioner of education, who has general supervisory powers and performs his duties with the advice of the several superintendents in the State. The State department of education is small, and there are only some twelve officials whose titles suggest duties concerned with ordinary operational activities of the elementary and secondary schools. These include: a deputy commissioner serving as director of instruction, with four consultants, including one on curriculum, one on modern foreign languages and one on mathematics and science; a director of teacher education and certification; a director of educational planning, with an assistant director. There is also an educational television commission with advisory and exploratory functions.

There are 54 school superintendencies in the State: 44 supervisory union and 10 local school system superintendencies. In each supervisory union there is one superintendent with supervisory powers over the several school districts composing the union and a board of supervisory union (school directors) composed of representatives of the boards of the several component districts. This board has limited powers, but the board of school directors in the component districts, as well as the board of school directors in those districts not included in a supervisory union, have supply and control powers.

There are 14 counties in the State.

There are 56,725 elementary, and 16,097 high school students; 263 school districts; 402 elementary and 85 high schools (including junior high schools). Expenditure per pupil, ADA, is estimated at $344. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentage, are:

	Property Taxes	Other Sources	Total
Local school districts	63.9	0.0	63.9
Intermediate "	0.0	0.0	0.0
State	0.0	32.2	32.2
Federal	0.0	3.9	3.9
Total	63.9	36.1	100.0

VIRGINIA - The State board of education, with general control powers, is composed of seven members appointed by the governor and confirmed by the general assembly. The superintendent of public instruction, with strong supervisory powers, is also appointed by the governor and confirmed by the general assembly. The department of education, which was not created by specific statute but was evidently organized under the ample authority of the State board of education, is large. There are some 78 officials whose titles suggest duties connected with the orginary operational activities of the elementary and secondary public schools. Among them are: (a) a director of secondary education with ten supervisors including one on secondary education with three assistants, one on mathematics with three assistants, one on science with three assistants, one on history, geography, and government, with three assistants, one on English, one on foreign languages with one assistant, and others in special fields; (b) a director of elementary and special education with two supervisors, including one on elementary education with five assistants; (c) a director of research and planning with a staff of 17 assistants, including a supervisor of school buildings and his six assistants; (d) a director of teacher education with five assistants; (e) a director of publications and teaching materials with several assistants - a supervisor of school libraries and textbooks, with two assistants on libraries, a supervisor of the bureau of teaching materials, with an assistant, and a supervisor on production of films, with an assistant supervisor and two film specialists. At the State level there is also an advisory research committee to advise on school construction and instructional facilities.

By Act of the general assembly, approved March 31, 1962, an Advisory Council on Educational Television was provided for and appointments to it have been made by the governor. It is an independent organization, but by statute the State board of education is required to cooperate with it.

There are 115 school superintendencies (referred to as divisions) in Virginia: 88 county unit (including nine in which two counties have combined and four in which a county and a city have combined to form a single county unit) and 27 local school system school superintendencies. In addition to having a superintendent, each division has a county school board, a board of education (for the joint districts) or a city school board, as the case may be, with control and supply powers. A few special districts, subject to control by county boards, have a town school board with limited powers, but no superintendent.

There are 100 counties in the State.

There are 663,363 elementary, and 178,211 high school students; 127 school districts; 1,888 elementary and 461 high schools (including junior high schools). Expenditure per pupil, ADA, is $274. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentage, are:

	Property Taxes	Other Sources	Total
Local school districts	51.2	0.0	51.2
Intermediate "	0.0	0.0	0.0
State	0.0	38.1	38.1
Federal	0.0	10.7	10.7
Total	51.2	48.8	100.0

WASHINGTON - The State board of education, with control powers, is composed of the superintendent of public instruction, ex officio, as president, and fourteen other members, two from each congressional district, elected to office in elections called by the superintendent of public instruction as respective terms of office expire. The superintendent of public instruction, a constitutional official, is elected to office and has broad supervisory powers not only over the common schools but also over technical and special schools and colleges and universities operated by the State. His position is evidently much stronger than that of his counterpart in many other States. There is no statutory provision for a department of education, but through the extensive appointive power of the superintendent, there has been created an "office of State superintendent of public instruction and State board of education", which fulfills the same purpose. There are some 39 officials whose titles suggest duties connected with the ordinary operations of elementary and secondary schools. These include an assistant superintendent for curriculum and instruction, and under him a number of assistants as follows: a director of secondary education with two supervisors, a director of elementary education, a director of research, a supervisor of library services with an assistant, a supervisor of mathematics programs, an editorial and publications specialist and several supervisors or coordinators for special fields. There is also an assistant superintendent for teacher education and certification with a supervisor to assist him.

There are 304 school superintendencies in the State of Washington: 39 county-intermediate and 265 local school system superintendencies. In addition to the superintendents, there are county boards of education at the county level with certain control powers, and boards of directors in all three classes of districts, first, second, and third with control and supply powers. At the county level there are also textbook commissions appointed by the several boards of directors of school districts to serve with the county superintendent in the selection of textbooks.

There are 39 counties in the State.

There are 453,489 elementary, and 155,546 high school students; 425 school districts; 1,166 elementary and 455 high schools (including junior high schools). Expenditure per pupil, ADA, is $426. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentage, are:

	Property Taxes	Other Sources	Total
Local school districts	27.5	2.8	30.3
Intermediate "	0.0	3.4	3.4
State	0.0	61.2	61.2
Federal	0.0	5.1	5.1
Total	27.5	72.5	100.0

WEST VIRGINIA - The State board of education, with general control powers, consists of nine members appointed by the governor and confirmed by the senate. This board selects and appoints the State superintendent of free schools, with supervisory powers, who serves at its pleasure. The State department of education is rather small, and there are only some 28 officials whose titles indicate duties connected with the ordinary activities of the elementary and secondary public schools. These include: under the executive assistant superintendent, a director of research and statistics, and a supervisor and assistant supervisor of publications; an assistant superintendent for instruction and curriculum with seven assistants, including a supervisor of secondary education and a supervisor of elementary education; an assistant superintendent for services; a coordinator of Federal aid programs, with a staff including a supervisor, two assistant supervisors, and specialists on NDEA programs for mathematics, science, modern foreign languages, and school plant planning, respectively. At the State level there are also a board of the school fund, for managing the permanent school fund, and a State board of school finance, for assisting county boards of education in financial matters and accounting.

This State has a complete county unit school system composed of 55 county unit superintendencies and corresponding county boards of education with control and supply powers.

There are 55 counties in the State.

There are 351,591 elementary and 108,838 high school students; 55 school districts; 2,471 elementary and 372 high schools (including junior high schools). Expenditure per pupil, ADA, is $258. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentage, are:

	Property Taxes	Other Sources	Total
Local school districts	36.9	2.3	39.2
Intermediate "	0. 0	0.0	0.0
State	0.0	55.8	55.8
Federal	0.0	5.0	5.0
Total	36.9	63.1	100.0

WISCONSIN - There is no State board of education in Wisconsin but only an educational advisory committee of the governor which does not figure in the school hierarchy. The State superintendent of public instruction, who is a constitutional officer, and is elected every four years. Thus, while he reports to the governor periodically, he has complete concentration of powers to control and supervise the school system and is answerable only to the electorate. He also has complete appointive power in the State department of public instruction, which in effect is his office. Not counting a rather large staff for medical services and a large staff for vocational and adult education, the State department of public instruction has some fifty officials whose titles suggest duties connected with the ordinary activities of elementary and secondary public schools. These include, in the office of the first assistant superintendent, a supervisor of publications; an assistant superintendent on "aids"; an assistant superintendent with a staff of a curriculum coordinator, five supervisors of secondary schools, seven supervisors of elementary schools, two supervisors of school libraries, and other assistants in special fields; in a division under another assistant superintendent, two supervisors of school building services; an assistant superintendent for NDEA with supervisors for science, mathematics, foreign languages, other fields, a research associate, and a supervisor of audio-visual media.

There are 196 school superintendencies in Wisconsin; 72 county intermediate superintendencies, of which eight are joint (composed of two counties or more) and 124 local school system superintendencies. In each of the county-intermediate superintendencies, which of course has its own superintendent with supervisory power, there is a county school committee appointed by municipal authorities and having certain control powers over component subordinate districts. Each of these has its school district board or district board of education with some control and with supply powers. City school districts, which are independent of the county intermediate system, have a city school board of education elected to office, with control and supply powers, and a city superintendent of schools with supervisory powers, appointed by the city board. Milwaukee has a board of school directors with ample control and supply powers exceeding those of other districts, and a superintendent with supply powers elected by the board. Under the system of referendum and recall in Wisconsin, there seems to be a corresponding decrease in powers of school boards at the lower levels and an increase of powers, particularly fiscal, in the corresponding political organizations.

There are 71 counties in the State.

There are 510,988 elementary, and 221,267 high school students; 2,877 school districts; 4,192 elementary and 628 high schools (including junior high schools). Expenditure per pupil, ADA, is $399. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentage, are:

	Property Taxes	Other Sources	Total
Local school districts	70.4	0.0	70.4
Intermediate "	2.6	0.0	2.6
State	0.0	23.6	23.6
Federal	0.0	3.4	3.4
Total	73.0	27.0	100.0

WYOMING - The State board of education, which is apparently not as strong as its counterparts in most States, is composed of seven members appointed by the State superintendent of public instruction with the approval of the governor. It is required to meet only twice a year or on call of the governor or the State superintendent of public instruction. This official, who is elected to office, has "general control and supervision" of the school system. The State department of education is quite small, having only 15 officials listed in addition to the superintendent of public instruction. One for certification and secondary education, and one for elementary education seem to be more directly concerned than others with the ordinary activities of the elementary and secondary schools.

There are 107 school superintendencies in Wyoming: 20 county intermediate, and 87 local school system superintendencies. Local school districts elect a district school board which has local control and supply powers. There is no county board operating with the county superintendent.

There are 24 counties in the State.

There are 62,285 elementary, and 19,146 high school students; 223 school districts; 460 elementary and 123 high schools (including junior high schools). Expenditure per pupil, ADA, is $450. (1959-60 figures)

Sources of revenue for school support in 1959-60, by percentage, are:

	Property Taxes	Other Sources	Total
Local school districts	35.9	8.3	44.2
Intermediate "	0.0	0.0	0.0
State	15.8	32.8	48.6
Federal	0.0	7.2	7.2
Total	51.7	48.3	100.0

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Chapter III

SUMMARY OF STATE LEGISLATION DEALING SPECIFICALLY WITH AUDIO-VISUAL AIDS

Part III of each of the 50 reports on State laws, annexed to the original of this report, contains full information on all legislation of the respective States dealing specifically with any form of audio-visual media of education, or activities connected with it, as defined for this study. As previously indicated, some States have no such legislation, others have some, and a few States have a substantial amount. In most cases the full text of such statutes and of much collateral material is quoted in the separate reports for each State. In this chapter, however, a paraphrase of the text is given to indicate the general nature and substance of statutes and regulations. Legal citations are also given here, but in some cases citations of subsections have been omitted in order to avoid the necessity of detailed or repetitious discussions. The purpose here is to summarize and to give a general picture, not obscured by relatively unimportant details. Section references are to the respective basic sources indicated for each State.

ALABAMA - In 1953 the Legislature created the Alabama Educational Television Commission (Act now in Public School Laws, Recompiled, 1958 and 1959 Pocket Parts, Sec. 627) composed of five Commissioners, not holding any other public office, appointed by the governor, with approval of the State senate, for overlapping terms of ten years. They are to have no financial interest in television facilities.

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The Commission is organized "for the purpose of making the benefits of educational television available to and promoting its use by inhabitants of Alabama..." It is directed to "survey, study and appraise the need for an over-all plan for the use of television facilities available for non-commercial educational use in the state." It is specifically charged with the duty of "controlling and supervising the use of channels reserved by the federal communications commission to Alabama for non-commercial, educational use." It may designate the location of stations to utilize such channels and may make rules and regulations for the operation of such channels and for the programs televised over them. "The commission may own and operate television stations to utilize these channels, or it may contract with individuals, corporations, educational institutions, or other governmental agencies for the operation of such stations." Sec. 631.

Sec. 632 authorizes the Commission to execute contracts and instruments necessary to carry out the mandates given to it, and provides further: "It may accept gifts or grants of money or property, real or personal, and voluntary and uncompensated services from any person, federal or other governmental agency, board of education, educational institution or commercial or industrial enterprise."

The following chapter describes television stations which have been established under this authority. Part IV of the report on Alabama law, annexed hereto, describes the general powers of educational organizations in the public school system which would have to be relied upon in order to obtain the benefits of educational television for the elementary and secondary schools from this Commission or from any broadcasting station operating under its supervision.

There is no other specific audio-visual legislation in Alabama.

ALASKA - There is no specific legislation on audio-visual aids in Alaska. However, a catalogue issued by the commissioner of education, October 1961, describes the resources of an audio-visual materials center providing filmstrips and motion pictures for use in those schools operated by the State. And his 1958 Report states that most schools have adequate supplies of "pictures, maps, charts, collections and models", and in both State operated and other public schools "filmstrip projectors, movies, strip films, slide films and lantern slides" are regularly used. See annex for Alaska laws, Part III.

ARIZONA - Although there is no specific audio-visual legislation in Arizona, Sec. 15-442, Title 15, Arizona Revised Statutes, 1960, requires local boards of trustees to budget and spend for textbooks up to four percent of certain apportioned State funds, then adds: "One fourth of the amount so budgeted may be expended for teaching aids relating to the textbooks selected" (emphasis supplied). "Teaching aids" might include audio-visual aids.

ARKANSAS - In 1961 the Legislature enacted several statutes, now found in Title 80, Arkansas Statutes, 1947 with 1961 Cumulative Pocket Part, creating the Arkansas Educational Television Commission and providing for its activities. This was obviously inspired by the Alabama legislation of 1953, supra, the wording of some sections of which is followed almost verbatim. Sec. 80-3902, however, provides for a larger board - seven members instead of five - and shorter tenure - seven years overlapping, instead of ten years overlapping. Members, who may not hold other public office, are appointed by the governor subject to senate approval. They may not hold financial interest in any organization with which the Commission deals, Sec. 80-3903, and may make necessary rules and regulations, Sec. 80-3904.

Sec. 80-3905 is the same as the corresponding Alabama statutes, changing State names, stating purposes, duties and certain powers. The Commission is enjoined to make the benefits of educational television available to the "inhabitants of Arkansas", study the need for an over-all plan for non-commercial educational television, and to control and supervise the use of television channels reserved for Arkansas by the Federal Communications Commission for non-commercial educational use. It is authorized to designate the location of stations, regulate their operation, own and operate such television stations, or contract with individuals and organizations, public or private, to do so.

Sec. 80-3906 authorizes the Commission to make all necessary contracts, and to solicit as well as to accept any gift, grant, or service from any source including the Federal Government.

General powers would have to be relied upon by public school organizations to take advantage of any of the educational television services provided. For a discussion of them see report on laws of Arkansas in annex.

CALIFORNIA - There is considerable legislation in California on audio-visual aids and their use, some rather general and some quite specific.

Sec. 262 of the Education Code, 1961, authorizes the Director of Education (superintendent of public instruction) to conduct experimental work in "radio and vision", and Sec. 263 authorizes him to "develop audial and visual curriculum materials" and develop methods and standards for the use of them in public schools.

Sec. 811, first enacted, and Secs. 8851-8856, added later, provide for a program under which the county superintendent purchases various audio-visual materials and furnishes them and corresponding services to school districts, the boards of which apply to and enter agreements with him for that purpose, with approval of the county board of education. These materials are described as "audio-visual equipment and apparatus" in Sec. 811, and as "audial and visual curriculum materials" in Sec. 8851. In subsec. c of Sec. 8851, specific reference is made to "films and filmstrips" which must be formally "adopted" by the county board before the county superintendent can buy them.

The programs in these respective statutory provisions are essentially the same, with identical objectives and procedures, but originally the financing was different. Under Sec. 8851 the participating school districts are required to pay at least one-half of the gross costs of materials and services furnished, presumably out of their local tax receipts, and such payments are to be credited to the "county school service fund" - one of the allotments made by the State for local school support. Sec. 811, however, enacted earlier, still provides that the school districts shall pay for the bare cost of the use of material and services out of their "general fund" - evidently derived from local taxes [1] and that the county superintendent is to credit such payments to the "special equipment and apparatus fund" intended, no doubt, for use as a revolving fund. But in 1961, Sec. 880 was added, providing that expenses for carrying out provisions of Sec. 811, and others mentioned, shall be paid out of the "county school service fund". Thus, the State contributes substantially to these programs.

Secs. 8853-8856 prescribe procedures and authorize various State officials to perform acts necessary to implement the program. Sec. 8852 imposes a credential requirement on persons performing services in this program.

Sec. 8857 is an extension of the audio-visual program of the preceding sections, concerning audio-visual materials and apparatus, to educational television. Local school boards are authorized to collaborate in the same way with the county superintendent, or to act independently, to participate in or procure educational television broadcasts for school programs. The school boards are also fully authorized, alone or in cooperation with others, to buy broadcast time or to own, lease or operate TV transmitting facilities for pupil or teaching training, and to sell broadcast time to other school districts on a reimbursement basis.

Secs. 8871-8878 relate to activities of the Television Advisory Committee and of the Television Co-ordinator. The committee, established in the Department of Finance, is to provide advice and guidance to the Television Co-ordinator, whose office is established in the department, who is appointed by the Governor and serves at the pleasure of the Director of Finance.

His duties, under Sec. 8875, are:

a. to prepare a plan for television to serve the educational needs of the State;

b. to serve as the official State agency for processing applications for Federal funds for educational television and for receiving and disbursing such funds;

c. to advise with Federal agencies concerning allocation of educational television channels;

d. to coordinate activities of public and nonprofit agencies concerned with educational television.

But this section does not require the Board of Regents of the University of California "or any other agency" to submit to him requests for Federal funds not intended for capital outlay, unless Federal law so requires.

He has no jurisdiction over the content of educational television programs, Sec. 8876.

All applications of school districts, State colleges, or the University of California for television transmission licenses must be submitted to him for "review" before being submitted to the Federal Communications Commission, Sec. 8877; and all applications by a school district for such licenses or for Federal funds for educational television must first be submitted to the Department of Education, Sec. 8878.

Sec. 23624 authorizes the trustees of any State college to contract for participating in educational television broadcasts or to own, lease, or operate transmitting facilities, and "provide necessary services in connection therewith". This might provide programs suitable for schools.

Sec. 9351 authorizes the State Board of Education to purchase or lease plates, maps, and engravings for the manufacture of textbooks.

There are many sections in the education code relating to library services for the public and for school districts. Pertinent sections are quoted in Part III of the laws of California in the annex. Not all sections contain specific reference to audio-visual items, but such references can be read into them from related sections. The department of education is authorized to buy maps, engravings, and paintings for the State library, Sec. 27052. Other items made available in the library service are maps, charts, pictures, engravings, statues, apparatus, and works of art. See Sec. 28801.

Sec. 15958 authorizes the governing board of any school district to purchase educational films without advertising for bids.

Title 5, California Administrative Code contains several specific provisions. Sec. 1493 restricts certain purchases of a county superintendent to "materials" and "films and filmstrips" to those "adopted" by the county board, and restricts his purchase of "projection equipment" to that for use of his staff for audio-visual services, for loan to school districts in certain circumstances, and for use in educational services. Sec. 1528 gives a formula for State allowances to a "county school service fund" for audio-visual services, and Sec. 1529 requires that all funds for such services, State or Federal, shall be kept separately in this "fund". Sec. 2053 prohibits the use of moneys obtained from the State School Building Aid Fund for the installation in school buildings of certain audio-visual equipment, such as broadcasting systems, television, recorders, public address systems, radios, record players, tape recorders, and certain stage equipment including cycloramas. The cost of any such equipment must obviously be met from other sources, such as local tax revenues or other State allocations.

COLORADO - There is no legislation relating specifically to audio-visual aids.

CONNECTICUT - Laws Relating to Education, Connecticut, 1959, and 1959 Supplement, Sec. 11-30, added that year, provides that any State agency, municipality, taxing district, or public or private library may contract with any other such organization to provide or obtain library services, including the establishment of branches and bookmobiles, and the cooperative purchasing and processing of recordings, films and related library materials. By interpretation, this authority could be extended to school districts and school officials.

DELAWARE - Title 14, School Laws of Delaware, 1961, Sec. 712 requires a local board of trustees (in school districts administered largely by the State itself) to requisition the State board of education for various items, including maps, globes and charts, materials of instruction, educational equipment, apparatus and other supplies needed to operate the schools. Sec. 941 requires the board of education of each district (not under administration by the State) to select, adopt, purchase, and distribute free of charge the same kind of items and equipment. Sec. 7301 requires that the collection of the State library shall consist of various kinds of material, including maps and charts.

FLORIDA - Florida School Laws, 1961, Sec. 246.03 establishes the Florida Educational Television Commission, composed of seven members, appointed by the governor. It is under the control and supervision of the State board of education, Sec. 246.05, but is a body corporate with certain corporate powers and may seek and receive donations and bequests, Sec. 246.06.

Sec. 246.08 authorizes the Commission to establish a television network connecting such communities or stations as may be designated by the State board of education, to be utilized primarily for instruction of students at junior college and college levels.

Sec. 246.09 authorizes the Commission to encourage the activation of reserved educational television channels, extension of educational television network, coordination of Florida's educational television system with those of other States, and further development of educational television within the State.

Under Sec. 246.10 it may act as advisor and consultant to educational television stations and programs whether supported by State, county, city, or private funds, and under Sec. 246.11 it is required to cooperate with and assist all local and State educational agencies in making surveys on educational television.

The general purpose of the original legislation including these and some procedural provisions was stated: "...to provide through educational television a means of extending the powers of teaching in public education and of raising living and educational standards of the citizens and residents of the state", Sec. 246.02.

Other statutes of general import, but not containing specific reference to audio-visual aids or activities, have been found, by reference to other State publications, to apply to audio-visual aids through interpretation. They are all discussed at length in the report on Florida laws in the annex.

GEORGIA - Georgia School Laws, 1958, Sec. 32-909 provides that the county boards of education shall have power to purchase certain items specified, including maps and globes. Sec. 32-624 directs the State board of education to determine annually the funds needed for providing the public schools with free textbooks, "teaching materials and aids".

There is no other specific legislation on this subject. However, Education in Georgia, 1955 through 1958, shows substantial allocations for audio-visual materials, and on page 15 states: "Georgia's Department of Education now has the world's largest educational film library..."

HAWAII - There is no legislation in Hawaii relating specifically to audio-visual aids except a 1961 appropriation of $248,492 for "Audio-Visual Education" made to the Department of Education for Supervision of Curriculum, Instruction and Guidance, Act 125, 1961, p. 150. The same Act appropriated $44,115 to the University of Hawaii for "Audio-Visual Center", the facilities of which might perhaps be extended to public schools. There is evidence in the 1960-1961 Annual Report of the Department of Education that extensive use is being made of audio-visual aids, as discussed in Part IV of the report on Hawaii laws in the annex hereto.

IDAHO - There is no legislation relating specifically to audio-visual aids or their use.

ILLINOIS - Sec. 10-22.30, School Code of 1961 (incorporated in Chapter 122 of the Illinois Revised Statutes) authorizes all school boards to enter into contracts, alone or jointly with other school boards, to participate in or procure television broadcasts for use in educational programs of the schools.

Sec. 34-18, applicable only to boards of education in cities with over 500,000 inhabitants, authorizes each board to provide television studio facilities in not more than one school building and grant the use thereof to a licensed television station located within the school district. The same section authorizes each board to maintain and operate not more than one radio transmitting station and provide programs for educational purposes, but specifically prohibits it from constructing, acquiring, operating or maintaining a television transmitter.

INDIANA - Sec. 2309, Burns Indiana Statutes, 1948 and 1961 Supplement, authorizes the superintendent of schools in a city of over 300,000 to select certain instructional material, including charts, maps and apparatus, which he reports to his board of education. For high schools, such items are selected by a committee.

Sec. 3436 authorizes any school corporation, alone or jointly with others, to conduct educational television instruction. Sec. 3438 provides that elementary and high school credit for such instruction may be given if approved by the Commission on General Education.

Sec. 2410 authorizes the use of apparatus, other articles, and educational appliances in the schools when necessary.

Sec. 416 creates within the department of public instruction a division on school libraries and teaching materials, which, among other activities, initiates and superintends instructional materials centers.

IOWA - Sec. 279.25, Title XII, Iowa Code of 1960, authorizes the board of directors of each school corporation to purchase various items, including maps, charts and apparatus, up to a value of $200 for each school year.

There is no other statutory provision on this subject, but a 1961 Circular No. 100a of the department of public instruction, Standards for the Approval of School Districts, contains pertinent regulations. Standard 70 requires among other things that the supply of audio-visual aids equipment, maps, atlases and charts be adequate. It states that such audio-visual equipment to be located in each school building might include sound motion picture projectors, combined filmstrip and slide projectors, projection screens, record players, AM-FM radios, television receivers, and tape recorders; that such equipment readily available to each building might include opaque projectors, micro-projectors, and portable public address systems; and that additional equipment might include globes, models, maps, teaching machines for programmed materials, and other electronic aids.

KANSAS - The General Statutes of Kansas, 1955 Supplement, Sec. 72-109, provides that the state superintendent shall submit to the State board for its approval or rejection *maps and educational material other than* textbooks. Sec. 72-1028 requires the school board of a common-school district to provide *maps*, *charts*, *teaching equipment* and *other instructional material* necessary for the successful operation of the school.

An earlier statute, General Statutes, Sec. 72-1033, still in force, provides that the school board shall have control of school district property, including *maps*, *charts*, and *instructional apparatus*.

Standards for Accrediting Kansas Elementary Schools, 1960, Bulletin 301, issued by the State superintendent of public instruction upon approval by the State board of education, contains provisions having the force of law. On pages 7-8 it provides that a school board shall provide *maps*, *charts*, *teaching equipment*, and *other instructional materials*. On pages 11-12, relating to elementary school libraries, it requires that expenditures be made for library collections, including *pictures* and *filmstrips*, *recordings*, and *audio-visual equipment*, and that the *audio-visual equipment* may be administered and circulated through the central library in the same manner as books.

The *Kansas Secondary School Handbook*, 1961, issued with similar authority and effect, requires that a junior high library shall contain such other learning aids as *recordings and visual materials*, pages 13-14, and, in general application to high schools, that the library shall contain *audio-visual materials*, page 25.

KENTUCKY - In a letter of November 28, 1961, addressed to me, the Assistant Director of Textbooks and Instructional Material in the Kentucky department of education stated:

"There are no state laws or regulations of the State Board of Education pertaining to audio-visual media. We are studying the possibility of introducing legislation for state-wide educational television.

"Selection and purchase of instructional materials are done at the local school level."

This has been confirmed by a search of Statutes and Rules.

LOUISIANA - West's Louisiana Statutes, Annotated, Revised Statutes, Volume 13, with 1961 Cumulative Pocket Part, Title 17, Education, contains provisions relating to the Louisiana Educational Television Commission. The Commission is created by Sec. 2501. It is composed of representatives, two each, from the State board of education, the State department of education, and the board of supervisors of Louisiana State University, one each from the faculty of each of the State colleges of Louisiana State University, and one each from Tulane University, Loyola University, Centenary College, and Louisiana College, and two representatives of the television broadcasting industry, Sec. 2502.

Sec. 2505 provides that the "powers and duties of the commission shall be to" (which leaves the question unclarified as to what it must do or may do):

(1) establish an office with necessary employees;

(2) serve as a source of information for citizens of the State concerning educational television;

(3) aid communities in developing "production centers" or non-commercial television stations;

(4) make educational television available to residents of the State and promote its use by them;

(5) accept gifts or grants of money or property for developing educational television in Louisiana and report annually to the Governor and the Legislature on receipts and expenditures [but not necessarily anything more];

(6) continue the study of the educational needs of the State which might be met by educational television, and explore in-school and out-of-school programs for children, as well as teacher in-service training and adult education;

(7) recommend policies for developing educational television in Louisiana;

(8) serve in an advisory capacity on all matters pertaining to the development of educational television in Louisiana.

Sec. 2507 directs the Commission to appoint a full-time coordinator or executive secretary to serve at its pleasure and to perform such duties as it may prescribe. Sec. 2508 authorizes the Commission to fix the salary of the coordinator and of other personnel required.

Three sections relate to the establishment of educational television facilities. Sec. 2751 provides that (1) the State Board of Education, (2) the Louisiana State University Board of Supervisors, and (3) the State Department of Education (evidently acting jointly), "through the State Superintendent of Education, are hereby given authority to build equipment, rent, purchase and take such steps as are necessary for the establishment and maintenance of educational television facilities" in the State.

Sec. 2752 authorizes the State superintendent of education to initiate a program and a plan, and to sign such contracts as will result in the establishment of educational television broadcasts; and he is "hereby authorized to accept in the name of and for the state of Louisiana any grants in aid from recognized foundations, groups or individuals which place no obligation upon the receiving of such grants except that they be used for non-commercial educational television work."

It may be noted that Federal aid is not mentioned specifically in this section, which may be somewhat restrictive, but that the authority of the Louisiana Educational Television Commission to accept gifts, provided for in the same year but an earlier Act, is general and could be construed to include Federal aid.

MAINE - There is no legislation relating specifically to audio-visual aids and their use.

MARYLAND - This State, which has established an experimental closed circuit educational television system in Hagerstown, has no specific legislation on that activity, and only meager statutory reference to audio-visual aids in general terms. Public School Laws of Maryland, August 1958, Article 77, Sec. 44, authorizes the State superintendent of schools to furnish to the schools under supervision of the State board of education, by means of visual and auditory aids, additional facilities for instruction in geography, history, science, and other subjects. Article 77, Sec. 63 authorizes a county board of education to furnish to schools under its supervision visual and auditory aids for the same purpose. Both the State superintendent of schools and the county boards are authorized to enter into contracts for carrying out the provisions of these respective statutes.

On page 72 of Public School Laws, supra, By-law 32 of the State board of education is printed. It relates to required and elective courses for training teachers in Maryland. One of the elective courses listed is a course in audio-visual education.

Article 77, Sec. 180 relates to powers and duties of the Division of Library Extension in the State department of education. It is authorized to provide a direct service of books, other items, and visual materials, and guidance in their use, to individuals, groups and schools (subsec. b), and a supplementary service of books, other items, and visual materials for the libraries of the State.

This Division loaned 65,508 books, periodicals and audio-visual materials during 1959-60, and the audio-visual materials and exhibits accounted for 18 percent of all loans, page 56, Ninety-Fourth Annual Report of the State Department of Education. On page 57 of this Report there appears a list of publications of the Department, including 1959 Supplement to Audio-Visual Catalog 1957.

On page 55 of this Report reference is made to a contractual arrangement for the Enoch Pratt Free Library in Baltimore to extend the use of its collection, including films, to authorized public libraries and to certain State-supported institutions. Public libraries and certain school and college libraries have received request forms, copies of film catalogs, and other material, and copies of special regulations for film use.

Examination of statutory enactments through 1961 has failed to disclose any further legislation on audio-visual aids.

MASSACHUSETTS - Some specific legislation on audio-visual aids is found in Annotated Laws of Massachusetts (The Michie Company) 1953, with 1961 Cumulative Supplement, and some references to this subject appear in other publications.

Ch. 69, Sec. 1 directs the commissioner of education to collect in his office such school books, apparatus, maps, and charts as may be desirable.

Ch. 71, Sec. 48 directs a local school committee to purchase at the expense of the town textbooks and "other school supplies" for free use of pupils. Tools, implements and materials necessary for instruction in manual and domestic arts may be purchased. The committee is directed, at like expense, to procure such apparatus, reference books, and other means of illustration as may be needed.

Ch. 71, Sec. 13F authorizes instruction in elementary and high schools "by means of educational programs broadcast through facilities of television stations", and the sharing of the cost of such programs by cities and towns within viewing range. The school committee of each such city or town is authorized in its discretion to include in its budget an item for such costs, not to exceed $1 per pupil enrolled. Other educational agencies are authorized to participate in such a program by a financial contribution.

The rest of this section deals with the Executive Committee for Educational Television, which the State board of education is directed to appoint, with the advice of the commissioner of education, for the purpose of coordinating and administering such educational television programs. The Committee consists of twelve members, at least seven of whom must be representatives of contributing school systems.

Ch. 71, Sec. 13G directs this Committee, subject to approval of the State board of education, to "act in matters pertaining to educational television". It shall recommend to the board the appointment of such professional personnel, engineering, and other assistants as may be necessary to carry on the work of the Committee. But no obligation shall be incurred for compensating such employees except from available funds appropriated to the State board by the State Legislature or "from such other funds as may be held in trust by the said committee".

Ch. 71, Sec. 13H authorizes this Committee to establish, and to manage under its own regulations, a trust fund known as the Educational Television Program Fund. This is to be composed of all funds received from school committees (i.e., local school boards), organizations, or individuals for purposes of Ch. 71, Sec. 13F to Sec. 13I, inclusive. Such receipts shall be deposited in the State treasury but may be expended by the Committee for said purposes without appropriation. No obligations are to be incurred in excess of funds available, the Committee shall keep accurate accounts, and report thereon annually to the board of education.

Ch. 71, Sec. 13I, the last of the four sections relating to the Executive Committee for Educational Television and the special fund described above, prescribes powers and duties of the Committee. It may:

(a) Acquire, construct, hold, lease and dispose of real and personal property;

(b) prepare programs, enter into agreements providing for the furnishing of programs, and the disposition thereof within and without the commonwealth, equipment, assistance and personnel; purchase broadcast time; and enter into other contracts;

(c) obtain assistance from, and co-operate with others, including, without restriction, institutions of learning and groups interested in television broadcasting;

(d) hold and administer real and personal property, and money given, whether outright or in trust; and

(e) do all acts and things necessary or convenient to carry out the purposes for which the committee is created.

The rest of the section contains prohibitions against inclusion, in such television programs, of any material advertising a commercial product, or promoting any religious organization, political party or candidate for public office.

Ch. 69, Sec. 7. relates to basic authority of the Division of University Extension in the department of education, under which an activity is conducted by the Office of Audio-Visual Services, a branch of that Division. The statute provides that the Division shall cooperate with "existing institutions of learning in the establishment and conduct of university extension and correspondence courses...", for the benefit of "residents of the commonwealth" and inmates of various sanatoria, hospitals, and similar institutions.

No reference is made in this statute to cooperation with public elementary or secondary schools, but they are not excluded and might be included by legal construction of the language used.

Furthermore, it is evident from a short leaflet issued by this Division that some schools do participate in the Massachusetts Film Cooperatives. These are voluntary associations organized for the purpose of providing films to members economically by their mutual contribution of different 16 mm. educational films and then borrowing from the aggregate collection. The following statements appear in the leaflet, entitled Facts about Film Cooperatives for Schools - Libraries - Hospitals (November 1961):

> "The Film Cooperatives are administered directly by the Office of Audio-Visual Services, Division of University Extension, Massachusetts Department of Education, with the assistance of committees elected by the members.
>
> "There are minor differences between the operating procedures of each of the Film Cooperatives. Basically, however, they function in the same manner. Each member determines each year how many films it can contribute to the Cooperative. The minimum cost of a single film is $60.00. When purchased, each film is deposited in the Office of Audio-Visual Services for the life of the film. However, by mutual agreement any member may terminate membership in the Cooperative at the end of their fiscal year, and thus withdraw the films it has purchased.
>
> "Members may borrow any film in the Cooperative without charge, except for postage and insurance on return mailing. In addition, members may borrow films owned by the Office of Audio-Visual Services on a paper debit basis determined by the dollar value of the films deposited by the member during a given year.

"Through the cooperatives, individual school systems, libraries and hospitals have available a large central library of films valued at $225,000...

"As of November 1961, 53 school systems, 87 libraries, and 14 hospitals are members of Film Cooperatives. The School and Library Cooperatives are among the largest such plans in the nation..."

MICHIGAN - No statutes or regulations have been found dealing specifically with audio-visual aids. However, it is apparent that there is considerable activity in the Michigan schools in the use of such material. This is reflected in the One Hundred and Fifth Report of the Superintendent of Public Instruction, 1961. A description of functions of the Publication and Visual Aids subdivision in the office of the superintendent of public instruction states that this section is responsible for the preparation of exhibits, displays, illustrations, charts, photographs, graphics, and audio-visual services (film library and equipment loan and operation), p. iii.

It is stated further, in the Report, that members of the department of education serve on the Working Committee on Educational Television, p. 39; that the department also has a representative on a regional committee of the Midwest Program for Airborne Television Instruction, p. 41; and that the responsibility for coordinating instructional materials in curriculum development, including library, audio-visual and educational television, lies with the department's consultant on elementary education, p. 42.

MINNESOTA - There are no statutory provisions in Minnesota laws relating to audio-visual aids, but some are found in Minnesota

Regulations Relating to Education, Cumulative Supplement, July 1, 1959, issued by the board of education.

Article I, Sec. 5005, relating to minimum standards for school libraries, requires that there be included in the materials collection various other items and "films, recordings, models,...film strips, flat pictures, globes, and similar materials", and that library quarters shall provide space needed for "viewing, listening and conference purposes".

Article XIX, Sec. 5057.5(a) requires that a Director of Audio-Visual Education, in order to qualify, must have earned at least ten semester hours of credit in audio-visual courses, including methods, production laboratory, selection and administration. Subsec. (b) requires that a Coordinator of Audio-Visual Education, in order to qualify, must have had at least one course in audio-visual methods in teaching and in audio-visual administration. In both cases, present incumbents of these offices offer successful teaching experience for a certain period in lieu of two semester credits required, but beginning with the 1962-63 school year all requirements must be met as stated.

Article XXIV, Sec. 5087, relating to school construction requires that new buildings shall provide for visual and auditory comfort and efficiency conforming to recommendations of the State board of education. This might be general in meaning, but it might also refer to audio-visual aids.

MISSISSIPPI - No legislation dealing specifically with audio-visual media of education was found. But under general authority of Sec. 6245-09 of Mississippi School Code (1958) with 1960 Supplement, an Office of Supervisor of Audio-Visual Education is established in the division of instruction of the State department of education. The department has issued two bulletins for correlating audio-visual materials for grades 1-6, 1955-1956, and for grades 7-12, 1956, respectively, both prepared by the Supervisor of Audio-Visual Materials.

MISSOURI - Title XI, 1960 Missouri School Laws, 1961 Supplement, Sec. 166.030, subsec. 1, requires a board of directors or a board of education, at the local level, to provide the necessary globes, maps, charts, apparatus, and other material for use of the school. No other legislation or regulation on this subject has been found.

MONTANA - Sec. 75-2011, School Laws of Montana, Annotated, 1961, creates a library of visual teaching aids authorized to acquire, by purchase, lease, gift, loan or manufacture, a depository of instructional sound films, slides, charts, graphs, models, pictures, dioramas and other visual teaching aids approved by the State superintendent of public instruction. Such material will be made available on a rental fee basis, plus transportation, to and from elementary and secondary schools and educational groups within the State.

Sec. 75-2011 directs the superintendent of public instruction, subject to approval of the State board of education, to prepare courses of instruction "in visual education for the public elementary and secondary schools of the state". And he is authorized to appoint a clerk a supervisor of the program who shall be a graduate of a four-year accredited institution of higher learning with special training and experience in the field of visual education. The provisions of this act, however, are not mandatory upon any school or school district.

Sec. 75-1304 requires the State superintendent to preserve in his office certain records, maps and charts, which may come into his possession as such officer.

The Biennial Report of the Superintendent of Public Instruction, 1960, shows on page 29 that $27,767 was spent for visual education in 1959-60; on page 180 that an educational television committee is an official committee of the superintendent; on page 183 that the Educational Film Directory of the Montana State Library of Visual Aids in Education is an official publication of the department of public instruction; and on page 186 that the professional staff of the department includes a Visual Aids Library Supervisor.

NEBRASKA - No statutory or regulatory provisions have been found dealing specifically with audio-visual aids or their use.

NEVADA - No statutory or regulatory provisions have been found dealing specifically with audio-visual aids or their use.

NEW HAMPSHIRE - Although this study, by oral instruction, has not extended specifically to State activities connected with grants received under the National Defense Education Act, note should be taken of State legislation inspired by that Act which relates to audio-visual aids and their use. Such a statute has been found in New Hampshire Revised Statutes, Annotated, Relating to Public Schools, 1955 Codification, with Session Laws of 1955, 1957, 1959, and 1961.

Sec. 186:11-d-I requires the State board of education, acting through its executive officer, the commissioner of education, to formulate plans for spending funds received by the State under Sec. 302(a), Title III, of the National Defense Education Act, intended for those projects, approved by the State board of education, (1) for the acquisition of laboratory and other special equipment, including audio-visual materials and equipment, by (a) school districts, (b) cities maintaining school departments, and (c) cooperative school districts, suitable for instruction in science, mathematics, and modern foreign languages, and, also, (2) for minor remodeling of space in such schools used for such equipment.

Sec. 189:24, on another subject, defines a "standard school" as one which is maintained for at least 180 days a year, has a suitable and sanitary building, equipped with several items listed, including "maps and other necessary appliances".

Sec. 194:3 describes powers of local school districts, and authorizes them to raise money for several purposes specified, including the purpose "to provide suitable furniture, books, maps, charts, apparatus and conveniences for schools..."

Sec. 572:42-b relates to libraries and specifies the penalty for one who wilfully detains certain library material listed, including any recording, film, or other property belonging to or in the care of a library.

Chapter 309 of Public Acts and Joint Resolutions of the Legislature of 1961, pages 602-603, is a joint resolution to provide certain funds for the operating expenses of Educational Television Station WENH-TV, Channel 11, Durham, New Hampshire. The preamble recites that WENH-TV is an educational television station "operated and maintained to provide an educational service to the schools and educational institutions of the state and to the general public", and that since June 1959 it has maintained an outstanding program service for the majority of the citizens and schools of the State, with advice, counsel, and partial support of the New Hampshire Educational Broadcasting Council, Inc.

It was then resolved that the following appropriations be made:

(1) $25,000 for the period from the date of resolution through June 30, 1962, and $25,000 for the fiscal year ending June 30, 1963, "for the purpose of contributing to the operating expenses of ... station WENH-TV, Channel 11, operated by the University of New Hampshire with the advice and counsel of the New Hampshire Educational Broadcasting Council, Inc.,...on the discussion of public issues."

(2) A sum not exceeding $15,000 for the year ending June 30, 1962, and a sum not exceeding $15,000 for the year ending June 30, 1963, to be made available in whole or in part for the same purpose, provided that school districts in the State raise and appropriate sums on an equal matching basis for the operating expenses of the said educational television. The funds available from these two sources, on an equal matching basis, are to be expended "for the operation of said television station through the New Hampshire College of Agriculture and Mechanic Arts and the University of New Hampshire."

The governor is authorized to draw his warrants for the sums appropriated.

NEW JERSEY - Since 1950 New Jersey has had legislation for audio-visual aids centers at the county level. References below are to sections appearing in New Jersey Statutes Annotated, Title 18, Education, 1940, with 1961 Cumulative Pocket Part.

Sec. 18:12A-1 provides that the boards of education of two or more school districts may, by majority vote of the full board, resolve to establish a "County Educational Audio-Visual Aids Center".

The supervision, management and control of each center is vested in a County Educational Audio-visual Aids Commission composed of seven members - three of the first class, chosen from the membership of the boards of participating school districts; three of the second class, chosen from the professional staffs of those boards, that is principals or teachers, who hold appropriate certificates; and one librarian member, ex officio the county librarian, or if there is no county library then a librarian chosen from a library in the county supported at least in part by public funds, Sec. 18:12A-2.

Members of the original commission are appointed by the county superintendent of schools, Sec. 18:12A-3, but thereafter are elected at annual meetings of all members of boards of education of participating schools called by the county superintendent for that purpose, Sec. 18:12A-4. The term of members of classes one and two is three years, with overlapping tenure, and if there is no county librarian to serve ex officio then another library member is elected for one year, ibid.

The commission is organized by election of officers from its membership and adoption of its own rules and regulations. The county superintendent of schools and the county treasurer serve ex officio as secretary and treasurer, respectively, Sec. 18:12A-5.

Sec. 18:12A-6 requires the commission to "provide, maintain and furnish educational audio-visual aids to the public schools of the participating school districts". It shall provide such facilities and may incur such expenses as it deems necessary, but shall not incur expenses or obligations in excess of funds available for the year, ibid.

Sec. 18:12A-7 relates to assessments for maintaining such centers. The commission determines the amount of money needed, less anticipated State aid, apportions the amounts among the participating school districts on the basis of pupil attendance, and assesses the districts, but not at a rate in excess of $0.60 per pupil.

Sec. 18:12A-8 prescribes a procedure for the commission to prepare a tentative budget, submit it with estimated assessments to the board of education of each participating school district for comment and return to the commission, which then amends and "adopts" the budget and notifies the local boards of the final amount to be assessed and drawn upon. The local board includes this amount as a separate item in its own budget.

Sec. 18:12A-9 provides a procedure for the commission to apply for State aid for operating the County Audio-Visual Aids Center, supplementing resources obtained locally. The commission, following its organization or in succeeding years, reports to the State commissioner of education the amount raised locally by assessment or donations for the center, and this official, if he approves of the organization and the program, certifies the amount to the Treasury Department for payment of a like sum to the commission out of State appropriations when made. However, State aid is not provided (1) if the amount of local assessments and donations is less than $500 for the year, or (2) in excess of $2,500 for any year, or (3), after the fifth year, in excess of the cost of audio-visual aids purchased by the commission. If State appropriations do not cover the aggregate of amounts certified for the several centers, there is a proportional allocation of available funds among them.

Sec. 18:12A-10, allocations are made on December 1 of each year, and if any funds for this purpose remain over, they may be allocated by the commissioner of education to County Educational Audio-Visual Aids Commissions after that date.

Sec. 18:12A-12, only one County Educational Audio-Visual Aids Center shall be established in any one county. But after the organization of the center the board of education of a non-participating school district may, by appropriate resolution and application to the commission, be admitted to membership and all the benefits of the statutes relating to the center. Sec. 18:12A-13 relates to the withdrawal of the board of any school district from membership, and to final dissolution of a center by action of all participating boards of education.

Sec. 18:24-8, on another subject, provides for the establishment of the Public and School Library Services within the Division of State Library, Archives and History in the State department of education. This service consists of several activities listed, including the storage, exchange and distribution of various items listed and prints, maps and related library materials.

Sec. 18:7-66 authorizes a district clerk, upon his authorization by the district board of education, to purchase various school supplies listed, including maps, charts, and globes.

NEW MEXICO - No statutes or regulations have been found dealing specifically with audio-visual aids or their use. However, in the Report of the Department of Education, June 1961, Sec. C-3-VIII, under the heading Educational Television, it is stated that station "KNME-TV in Albuquerque is now broadcasting a kindergarten program designed to improve the readiness of five-year-olds for first grade work". In Sec. C-9 of the Report it is stated: "Audio-Visual services are being supervised by the Director of Teacher Education. The exception to this rule is in the field of television which is being supervised by the Director of Information and Television Services".

In Section B-3 of the Report, describing activities of the Information Service Division, the following statement appears:

"The division also serves to coordinate activities relating to educational television at the state level. The director serves as chairman of the Commission on Statewide Television for Educational Purposes and maintains close liaison with representatives of both KNME-TV and local school personnel responsible for implementing television usage at the local level..."

Although several publications on New Mexico law were available and were consulted, including State of New Mexico Public School Code, School Laws of 1957, 1959 and 1961, with the New Mexico Statutes Annotated 1961 Pocket Supplement to Volume 11, no reference to this commission was found.

NEW YORK - There is very sweeping legal authority for activities at the State level dealing with various audio-visual media of instruction, and it is extended for some purposes to the local level. Authorities were found in McKinney's Consolidated Laws of New York Annotated, Education, Parts 1, 2 and 3, with 1961 Cumulative Pocket Parts.

Sec. 213, subsec. 1 authorizes the Regents of The University of the State of New York (corresponding to a state board, but more powerful), and with their approval the commissioner of education, to acquire by purchase or otherwise, and thereafter to lend to public schools and other organizations, a number of educational items listed, including pictures, statuary or other sculptured work, lantern slides, apparatus, maps, globes, films, sound films, kinescopes, photographic recordings and any article or collections useful to the departments, divisions, schools and other organizations under the jurisdiction of the Regents.

The remaining subsections of Sec. 213 were added later and relate to educational television.

Subsec. 2a authorizes the Regents, in carrying out provisions of Subsec. 1, *supra*, to contract with school districts, boards of cooperative educational services, or other nonprofit educational agencies, for the acquisition from them of sound films, kinescopes, audio recordings, video recordings, scripts, research reports or related educational television materials for the use of the Education Department or for the production of educational television programs.

Subsec. 2b authorizes the Regents to lease to school districts, boards of cooperative educational services or television corporations organized under Sec. 236 (described below) educational television facilities, including various types of electronic equipment and production facilities listed, or to contract with such organizations for the operation of such facilities. Subsec. 2c authorizes the Regents to lease and operate a television station in New York City.

Subsec. 3 authorizes the Regents to make rules, and to authorize the commissioner to make regulations concerning standards for research and experimentation, operation and programming of educational television by the State, school districts and other organizations described.

Subsec. 4 with several subdivisions relates to procedures and conditions for granting State aid to school districts and boards of cooperative educational services, to supplement their local resources, for the development of educational television, by either closed circuit or open receiving equipment. The Regents are authorized specifically to make additional apportionments for this purpose.

Under Subsec. 4a a school district or board of cooperative educational services submits its application, general plan of development, proposed programs and other information to the commissioner of education. He evaluates them according to procedures established by him for that purpose, and upon approval places the application on a list with others in accordance with the educational merit of the program proposed, Subsec. 4b. Thereafter apportionment is made in the order of the listing of programs and in accordance with a formula, Subsec. 4c.

The formula, in Subsec. 4d, provides a 5-year plan under which the State pays for one-half of the cost of equipment and installation and one-half of the cost of operation in the first year. Thereafter the State pays only a share of the operating cost each year, forty percent for the second year and by annual ten percent reductions only ten percent for the fifth year.

Subsec. 5, very broad in general terms, authorizes a school district or board of cooperative educational services "to do and perform any and all acts necessary or convenient to enable it to carry out the provisions of this section".

Sec. 236, which can be used to implement some provisions of Sec. 213, supra, authorizes the Board of Regents in Subsec. 1 to grant a corporate charter to "any group, institution or association for the purpose of constructing, owning, operating or maintaining a nonprofit and noncommercial educational television station or for providing educational television programs, or for any combination of such purposes". Corporations so organized are subject to all provisions of law applicable to other corporations created by the Board of Regents, and, in addition, to further provisions listed in this Section, viz:

The Board of Regents may amend, suspend, or revoke such a charter after notice and hearing, Subsec. 2; it shall exercise general supervision and control over the board of trustees and the operations of such corporations directly or through rules and regulations, Subsec. 3; its approval is required for the appointment of any trustee, Subsec. 4; it may remove any trustee for cause after hearing, Subsec. 6. Television programs developed and presented by such corporations shall consist of educational and cultural program, Subsec. 4. There are restrictions in Subsec. 7 against use of such programs for partisan or political purpose and against the employment of any member of a subversive organization or person ineligible under civil service law, and a violation of any such restriction shall in the discretion of the Board of Regents be ground for termination of the charter. Subsec. 8 requires such corporations to report annually to the Board of Regents.

There are several sections, 120-123, and others following which relate to the system of censoring and licensing motion picture films for public exhibit in the State. The program is administered by the Motion Picture Division of the Education Department. Sec. 120 provides that the Regents may consolidate this division with the division of visual instruction or may assign to the motion picture division the functions, powers and duties of other divisions, bureaus or officers in the Education Department. No record has been found to indicate whether or not such action has been taken or whether or not the principal function of this division continues to be the censoring and licensing of films for public exhibit.

Sec. 305 authorizes the commissioner of education to furnish by means of pictorial or graphic representations additional facilities for instruction in certain named subjects in the schools.

Sec. 1604(18) authorizes the trustees of a common school district to purchase standard works of art, maps, globes or other school apparatus. This authority is extended, through incorporation by reference, to the board of education of a union free school district, Sec. 1710, of a central school district, Sec. 1804, and of a central high school district, Sec. 1903. Specific authority for the purchase of apparatus, maps, globes and other equipment is given to the board of a city school district (less than 125,000 inhabitants), Sec. 2503(7), and of a city school district (more than 125,000 inhabitants), Sec. 2554(7).

Under Sec. 2021(10), voters attending a meeting of a school district have the power to vote a tax, not exceeding $25 in any year, for the purchase of maps, globes, reproduction of works of art. It is not clear whether or not this sum is in addition to budget requirements presented at the meeting.

Part III of Fifty-sixth Annual Statistical Report of the Education Department, pages 109-111, indicates that there are eight schools equipped with receivers in the Regents' closed-circuit project for Cortland, Virgil and Truxton, and 884 schools equipped with receivers in the Regents' educational television project, New York City (WPIX).

NORTH CAROLINA - Public School Laws of North Carolina, 1958, with 1959 and 1961 Supplements, contain relevant legislation. In "II. New Statewide School Laws and Resolutions, 1959 Session", reprinted in the 1959 Supplement, supra, Chapter 1322 appears. It recites the cooperation of the Fund for the Advancement of Education in the past with the North Carolina schools system in conducting an experiment in teaching by television in the State schools and the decision of this Foundation to continue the experiment in 1959-60, then proceeds with the enactment. Sec. 1 appropriates to the State board of education $25,000 for 1959-60 and $50,000 for 1960-61 for the purpose of conducting a program of teaching through use of television in the public schools. The board is directed to adopt, upon recommendation of the State superintendent of public instruction, standards for courses of instruction through television, and to allocate to county and city administrative units complying with such standards the funds appropriated by the State for this purpose. Such funds are to be spent by county and city boards of education for (a) paying salaries of competent teachers, (b) administration of the program, (c) operation of the studio, (d) salaries of employees at the studio, (e) purchase of materials, (f) cost of operating a transmitter, and (g) other costs found by the State board to be necessary to the operation of the program. The same section authorizes the State board to adopt as a standard the requirement that administrative units participating in the program support it in part with local funds on a ratio to be determined by the State board.

In 1961 an additional sum of $70,100 was appropriated for television research (High Spots in State School Legislation, January 1 - August 1, 1961).

Sec. 115-132 of Public School Laws, supra, requires county and city boards of education and tax levying authorities to provide suitable supplies for school buildings, including, in addition to "necessary instructional supplies" library equipment and maps.

Sec. 115-216, relating to powers and duties of the State board of education, provides that children in the public schools may be provided with free basal textbooks and with supplementary textbooks and with supplementary textbooks and "instructional materials".

Sec. 115-207 authorizes the State board to adopt for exclusive use in the schools "textbooks...and instructional materials" for those subjects in which instruction is required by law.

The Biennial Report, Part 1, 1958-1960, North Carolina Public Schools states that the division of instructional services in the State department of public instruction provides services for a number of things including curriculum, audio-visual aids and instructional materials. Elementary curriculum is implemented by the use of various items including maps and other aids.

The same Report, describing libraries and library materials, states that school library services include the providing of space for listening and viewing, and that "other library materials (films, filmstrips, recordings, magazines, newspapers, pamphlets) are provided to approximately the same extent as library books". Funds made available through the National Defense Education Act contributed a large portion of the expenditure for library books and audio-visual materials, ibid.

The Report states further that increased appropriations to the department of public instruction in 1959 provided for additional personnel and more consultant services to the schools and assistance in audio-visual services. The instructional materials library of the department, for use of the staff and teachers, includes audio visual equipment, ibid.

NORTH DAKOTA - The North Dakota Century School Code, 1960, and 1961 Supplement contains some legislation on audio-visual media.

Section 15-47-36 authorizes the superintendent of public instruction to enter into a contract for a two-year period, with provisions for renewal for like periods, with a non-profit corporation for the purpose of its providing the people of the State with educational television services in the fields of elementary, secondary, and higher education, adult education, and other fields tending to promote cultural development.

Section 15-21-05, on another subject, requires the superintendent of public instruction to preserve in his office maps and charts, as well as certain other material.

The Administrative Manual for North Dakota High Schools, issued under direction of the department of public education in 1953, shows in Section III - Equipment, B. Audio-Visual Equipment, map and globe requirements substantially as follows: maps of all the countries and continents studied in geography or history courses must be available in each grade room where those subjects are taught; each grade room from third to eighth must be equipped with a globe at least 12" to 16" in diameter; each room in a high school in which history is taught must have up-to-date maps or charts designed specifically for the history course taught, including maps to show periods, movements and developments.

OHIO - Baldwin's Ohio School Laws, 1957, 1959, 1961 contains reference to audio-visual media.

Section 3317.16 authorizes boards of education to pay an educational television foundation, incorporated under Sections 1702.05 to 1702.27, inclusive, of the revised code, for furnishing television broadcasts to schools. All programs shown in any school must be supervised by the local board of education contracting for the programs. Payments for such service are not to exceed one-half of one cent on each one hundred dollars of the taxable property in the school board's taxing district.

Section 3353.02, enacted in 1961, created the Ohio Educational Television Network Commission, consisting of nine members, one of whom shall be the State superintendent of public instruction. The remaining eight members are appointed by the governor and confirmed by the senate for terms of four years, staggered tenure. Members serve without compensation but receive actual and necessary traveling and other expenses incurred.

Section 3353.03 provides that this Commission shall be an independent agency of the State government but shall be in the department of finance for administrative purposes only. The Commission elects its own officers, makes its own rules of procedure, and employs such personnel as are necessary to carry out its functions. Expenses may be paid from funds appropriated to the Commission or from other funds made available to carry out its program.

Section 3353.04 authorizes the Ohio Educational Television Commission to:

(a) own and operate transmission facilities and interconnection facilities, or to contract for them, for an educational television network;

(b) establish standards for interconnecting facilities used in transmitting educational television by the Commission;

(c) contract with non-commercial educational television broadcasting stations for the transmission of identical programs for broadcasting either simultaneously or through the use of transcription discs, tapes, or films;

(d) contract with non-commercial educational television production centers and broadcasting stations for the production and use of educational television programs to be transmitted by the educational television networks;

(e) execute contracts and other agreements necessary and desirable to carry out the purposes of Sections 3353.01 through 3353.04;

(f) determine the programs to be distributed through the Ohio Educational Television Network.

This legislation was brought about by a report submitted to the Ohio general assembly by the Ohio interim educational television study commission created in 1959 pursuant to Am. Sub. Senate Bill No. 435, Reg. '59 Session. The purpose of this commission was to make a study of the requirements for establishing and providing state-wide educational television network services. Inasmuch as this was a temporary organization and apparently its function has been fulfilled, it has probably now gone out of existence. No further details concerning this legislation is deemed necessary.

Section 3375.40 of the Ohio Revised Code, relating to powers of boards of library trustees, has been interpreted by the attorney general to authorize such boards to contract with others for the joint purchase of supplies, equipment, books, records, films and other library materials. 1960 OAG 1504.

On page 7 of the annual report of the State board of education it is stated that the division of audio-visual education in the department of education offers two types of services to Ohio schools - professional field services and a free loan educational film and slide service. Further details concerning these services are given in the annual report, which indicates a very active program of shipping films to different schools.

OKLAHOMA - Very extensive legislation on audio-visual media and their use is found in the 1961 School Laws of Oklahoma designated by section numbers in that publication but keyed to corresponding title and section numbers of the Oklahoma statutes.

Section 159 authorizes the State board of education to formulate, establish, maintain, and cause to be administered a program of audio visual education for the public schools of the State (70-12-1). Section 130 authorizes the State board of education to select, or cause to be selected, motion picture films appropriate to the curriculum of the public schools of the State and directs it to establish and maintain a State depository at the University of Oklahoma as a place for keeping such films for subsequent assignment to regional libraries. The State board is also authorized to designate certain special films for circulation from the State depository to various schools (70-12-2).

Section 161 authorizes the State board of education to establish and maintain regional film libraries in cooperation with Oklahoma A. and M. College, Central State College, East Central State College, Southwestern State College, Southeastern State College, Northwestern State College, Northeastern State College, and the Panhandle Agricultural and Mechanical College, at their respective locations. The regional libraries so established are directed to receive, maintain, and keep a record of and circulate all films received by them from the State depository (at the University of Oklahoma) and to return the films to the State depository, either when they are no longer needed in any of the schools served by the regional library or when so directed by the State board of education, and meanwhile to furnish films to county superintendents of schools and boards of school districts upon written requests for them (70-12-3).

Supplementing the program for a State depository of films at the University of Oklahoma and regional film libraries at other State supported colleges, Section 162 authorizes any county or school district or educational institutions supported by tax funds to establish and maintain a local film library and expend local funds for that purpose. This section also provides that such moneys spent for the purchase of projection and audio materials approved by the State board of education may be matched with State moneys appropriated for that purpose in amounts not to exceed sums ranging from $1,000 to $3,000, according to a formula based upon the number of teachers employed. It is further provided that money so received by a school district shall not be considered "as a part of its chargeable income for State-aid purposes" (70-12-4). This evidently means that State money so received shall not be deducted from ordinary allocations of State aid.

Section 163 authorizes the State board of education to adopt and enforce rules and regulations necessary to make such a program of audio-visual education effective (70-12-5). This provision seems unnecessary inasmuch as the State board already has ample regulatory powers, but it emphasizes the point.

Section 164 gives authority to a county superintendent of schools to purchase or rent motion picture projectors and to buy and replenish a film library for use in an educational program in the schools with funds allotted to his office for such purposes. Subsection 1 describes in detail the projectors and various attachments, appliances and films which may be bought or rented for this purpose. Subsection 2 authorizes him to take the projectors, films and equipment into any and all schools of the county at least once a month to show a visual education program and to collect travel expenses incurred out of funds allotted to his office, as previously indicated. Subsection 3 contains more specific authority for the purchase of a film library and replacement films. (70-12-6) It seems probable, even without having recourse to details of the State aid program, that the funds allotted to the county superintendent for such purposes are State funds.

Section 165 authorizes the board of education of any school district singly or jointly with others, following an estimate duly made and approved, to buy or rent moving picture projectors and to buy all necessary attachments and appliances necessary for the successful operation and conduct of a visual education program in the district schools (70-12-7).

Section 166 authorizes the State board of education to employ personnel necessary to administer and carry out the program as described, fix their compensation and duties, and incur necessary expenses, and provides further that compensation and other expenses shall be paid from any funds appropriated to carry out the program (70-12-8).

Sections 455 through 478 (70-2141 through 70-2164), comprising Article XVIII, consist of very involved and detailed legislation concerning the Oklahoma Educational Television Authority and a number of matters connected with it. The text of this legislation has been quoted in the separate report on laws of Oklahoma, found in the annex to the original of this Report. In view of its intricacy, it is deemed sufficient to describe the general purport of it here.

The broad objectives of this enactment are:

(1) to establish the Oklahoma Educational Television Authority as an independent agency of the State to plan, construct, repair, maintain, and operate educational television facilities with channels assigned by the Federal Communications Commission to the State for educational television, and to provide a state-wide system for that purpose through various business and other arrangements, Sec. 455 (70-2141);

(2) to provide for a representative Advisory Committee of 35 members to advise the "authority" on development of the program, Section 457 (70-2143);

(3) to create the "authority" with thirteen members, including the president of the University of Oklahoma, the president of the Oklahoma Agricultural and Mechanical College, the State superintendent of public instruction, other high educational officials and additional members, all to be

appointed by the governor with the consent of the senate, and to invest the "authority" with corporate powers and other ample powers to act effectively in carrying out the program, Section 459-460 (70-2145 and 70-2146);

(4) to provide for issuance of bonds by the "authority" for financing separate projects in the program; create a sinking fund for their repayment; provide for securing them through trust agreements by the "authority"; authorize it to collect fees for television services and deposit them in the sinking fund; protect rights of trustees under trust agreements; make the "authority" tax exempt; classify the bonds issued by it as legal instruments for the investment of funds by banks, insurance companies and others; provide that each project upon repayment of bonds issued for its development shall become part of the State educational system; empower the "authority" to contract with other television stations and networks for receiving and exchanging broadcasts; empower it to apply to the Supreme Court of Oklahoma for hearings and approval of bond issues; empower it to issue refunding bonds; require it to report annually to the State Legislature on its activities; empower it to pursue its activities under alternative procedures provided by other laws; and require a liberal construction of this law, Sections 463-478 (70-2149 through 70-2164).

Some of the specific powers granted to the "authority", of particular relevance here, are power to accept and control the television channels assigned by the Federal Communications Commission to the State for educational purposes, Section 460 (70-2146); to construct, maintain, and operate television facilities, ibid.; to acquire property by purchase or otherwise necessary for carrying out the program, ibid.; to execute all contracts and employ a staff necessary for the program, ibid.; to receive appropriations from the State Legislature, grants from any Federal agency, and aid or contribution from any other sources, ibid.; to acquire property interests in land upon terms it deemed reasonable for construction and operation of necessary facilities, Section 461 (70-2147); and to acquire such property, if necessary, by condemnation proceedings, Section 462 (70-2148).

Advertising through the television network established by the "authority" is prohibited, Section 456 (70-2142).

No other legislative authority on audio-visual media or their use has been found in the State statutes. However, some provisions on this subject having the force of law appear in the Annual Bulletin for Elementary and Secondary Schools, July 1960, Bulletin No. 113-H of the State of Oklahoma department of education. Item VII, Instructional Materials and Equipment, describes standards to be met in the schools, in substance as follows:

> Criterion O. Each school should be equipped with audio visual equipment and materials to the extent that the educational objectives may be achieved.
>
> Criterion P. Audio-visual materials will include motion picture, films, filmstrips, slides, recorder, radio, record player, charts, maps, globes, chalkboard, flat pictures, objects, models, excursions, and field trips.
>
> Criterion Q. Recommendations are made for minimum goals in audio and projection equipment in a ratio of the number of students to be served or the building to be equipped, with

respect to 16 mm sound projectors, filmstrip and 2" by 2" projectors, opaque projectors, record players (3-speed), tape recorders, radio receivers (AM-FM), TV receivers (all channels), overhead projectors, and screens.

Item XIV, Physical Plant in the same bulletin, Criterion B, indicates desirable lighting arrangements and number of electrical outlets in rooms used for projection materials.

Other official publications, not having legal force, refer to the active use of regional film libraries and county and district film libraries, statutory provisions for which are discussed above in this chapter on Oklahoma, and activities of the division of audio-visual education and the division of educational television in the State department of education.

OREGON - Chapter 535, Laws Relating to the Oregon Public School System, 1961 Supplement, issued by the State department of education, is an act approved by the governor May 24, 1961, relating to the use of educational television and radio as a means of instruction in the public schools of Oregon. Section 1 reads as follows: "The purpose of this act is to encourage the development of and provide means for making educational television and radio programs of direct instruction and instructional enrichment for pupils and in-service education for teachers available to the public schools of the state, and to provide for the authorization and approval of such programs by the State Department of Education."

Section 2 contains definitions. "Direct teaching" means instruction in approved subjects primarily by educational television or radio. "Instructional enrichment" means instruction by these media supplementing other instruction. "In-service programs for teachers" means programs designed to improve the knowledge and understanding by teachers of the subject content of courses taught by them and of improved teaching methods.

Section 3 declares educational television and radio to be authorized means of instruction in the public schools subject to approval by the State department of education and acceptance by local school districts.

Section 4 provides that all educational television and radio programs provided by State-operated stations for direct teaching, instructional enrichment, and in-service education of teachers shall be approved by the State department of education.

Section 5 authorizes the State department of education to utilize its personnel, facilities, and available funds for: (1) stimulating interest by school districts in the appropriate use of these educational media; (2) planning and producing suitable programs through these media for direct instruction, instructional enrichment, and in-service programs for teachers; (3) cooperating with officials of State-operated educational television and radio stations in planning and producing programs suitable for these purposes: (4) assisting local school districts in planning such programs, and cooperating with officials of State-operated facilities in producing such programs; (5) employing personnel and paying expenses for services, materials, equipment and supplies necessary for these purposes; (6) contracting for and paying for professional services utilized in the development and production of such programs; (7) purchasing, renting, leasing, or contracting for the use of filmed, taped, or otherwise recorded educational television and radio programs from available sources.

Section 6 directs the State board of education to appoint an advisory committee of seven members to advise the superintendent of public instruction on the planning and preparation of in-school television programs.

This legislation takes on added significance by reason of provisions of other legislation appearing in Title 30, Oregon Revised Statutes, 1961 Replacement Parts, as indicated below.

Section 354.010 declares the State board of higher education to be the managing agency of the State-owned radio station KOAC, licensed to Oregon State University, and authorizes it to make rules and regulations for extending the use of such facilities to all departments and agencies of the State of Oregon.

Section 354.020 authorizes every department or agency of the State to make use of those facilities and to pay to the State board of higher education a reasonable charge for such services.

Section 354.090 declares the State board of higher education to be the managing agency of the FM radio station KTEC, licensed to the Oregon Technical Institute, and authorizes it to make rules and regulations for extending the use of the facilities for training programs of the Oregon Technical Institute.

Section 354.210 declares the State board of higher education to be the managing agency of educational television facilities for which it is the licensee of the Federal Communications Commission, and authorizes it to prescribe rules and regulations to govern the use, operation and control of the facilities in the best interests of the people of Oregon to meet their educational and cultural needs.

Section 354.220 directs the State board of higher education to make the facilities of any educational television station, for which it is licensee, available to all departments and agencies of the

State, and to any private or public corporation, firm, organization or association for cultural or educational purposes, on certain conditions: (a) the user of such facilities must conform to the rules and regulations issued by the State board of higher education concerning them, and (b) the user must pay reasonable charges for such use fixed by the board of higher education and based on operating expenses of the television facilities. Amounts received in payment for such use are appropriated by this act for the payment of operating expenses of any educational television station for which the State board of higher education is the licensee. Further provisions indicate the manner of fixing appropriate charges.

Section 354.230 authorizes the State board of higher education to encourage and accept gifts for the development of facilities of educational television stations for which it is licensee.

Section 354.290 authorizes the State board of higher education, or any non-profit corporation organized under the laws of Oregon for educational television purposes, to apply to the Federal Communications Commission for permits to construct and operate non-commercial educational television stations in Oregon and to utilize any channels allocated for that purpose by the Federal Communications Commission.

No other legislation in Oregon has been found, relating to audio-visual media of instruction. However, the 44th Biennial Report of the Superintendent of Public Instruction, 1961 indicates that through participation in Title III projects of NDEA the supply of audio-visual and library materials and equipment has increased and that consultant services concerning the use of them have been made available on the staff of the department of education.

PENNSYLVANIA - There is legislation in this State relevant to audio-visual instructional media as shown in Purdon's Pennsylvania Statutes Annotated, Title 24, Education, and the 1961 Cumulative Annual Pocket Part (which has just become available repacing the 1960 edition).

Sec. 8-805 authorizes the board of school directors in any school district to appoint a purchasing agent to make purchases, up to a value of $750, of school supplies which "shall be divided into two classes. The first class shall include school desks, chairs, furniture, typewriters, and school apparatus. The second class shall include all other supplies, except maps, music, globes, charts, educational films, filmstrips, prepared transparencies and slides, pre-recorded magnetic types, and disc recordings, and textbooks necessary for school use, not included in the first class." (emphasis supplied) Thus, it appears that the items which are excepted from the second class, and which are not in the first class, may be purchased without the money limitation imposed by this section and, by inference, may be purchased under procedures provided in other legislation. General authority is given to the board of school directors in each school district to purchase all necessary school supplies by Sec. 8-801, which has not been amended.

New legislation in 1961, entitled "The Library Code", Sections 4101 through 4503, established a new library system and repealed much previous legislation on the subject, including Sections 2301-2315 relating to school libraries. Section 4201 of the new act, found in Title 24, Education, authorizes and directs the department of public instruction, through the State librarian (an official in that department), to do a number of things - among them, subsec. 8, to purchase and maintain a general collection of books and other material, "maps, slides, films and other library material", for the use of the State, government agencies, and the public, and, subsec. 9, to make all such material available for general circulation.

Sec. 4211 authorizes the State librarian to establish district library centers, and authorizes those centers to contract with various organizations, including school districts, for library services, which obviously would include the audio-visual media referred to above.

Sec. 9-925, which was amended in 1961, but only to add provisions and not to change previous legislation, confers authority on county boards, acting in the interest of second, third and fourth class districts in a county or adjoining counties (i.e., certain smaller districts) to collaborate in the organization and operation of audio-visual libraries and instructional centers jointly by mutual agreement and through formalities of county board resolutions, but subject to approval of the department of public instruction, subsec. 5. Such county boards are authorized to establish, construct, rent, equip and operate such audio-visual library and instructional materials centers, individually or jointly with other county boards and to employ necessary professional personnel, subsec. 6. Provisions for organizing a Joint Committee of County Boards, and other procedural matters are contained in subsec. 7. In subsec. 8 authority is given to county boards to contract with others or with individual school districts to provide audio-visual services and instructional materials centers for a period of not less than five years, but if a county board has not taken action to provide such services and facilities, school districts are authorized to do so, individually or jointly, subject to prior approval of the department of public instruction. Subsec. 9 provides for proportionate assessment of participating school districts, based upon pupil attendance, for such services, and prescribes procedural formalities. Subsec. 10 provides that such centers must conform with regulations of the State Council of Education (that is, the State board), in order to qualify for State aid or Federal grants.

Sec. 5-523 was amended and Sec. 5-525 was added in 1961. They relate to educational broadcasting and television.

Under Sec. 5-523(a), the State Council of Education is required to formulate a State Plan for Educational Broadcasting, and to issue corresponding regulations, for the development of such broadcasting facilities throughout the State and establishment of service areas for that purpose.

Subsec. (b) authorizes the board of school directors of any school district to contract with any school district, county school board, other educational organizations, or non-profit organizations for joint operation of an educational television or radio station.

Subsec. (c) gives similar authorization for entering into agreements for broadcasting.

Subsec. (d) authorizes the department of public instruction to enter into agreements with educational or commercial radio or television networks or stations, "non-profit organizations, radio and/or television production centers", or any county school board, school district or districts" for the purpose of educational broadcasting".

Subsec. (e) authorizes the department of public instruction and boards of school directors or county school boards, or both, to contract for educational broadcasts for children or adults, "using State funds or State-administered Federal funds appropriated for that purpose, or private grants or gifts".

Subsec. (f) reads: "In accordance with the State plan for educational broadcasting, the department of public instruction may establish and/or operate a broadcasting station and/or purchase, produce and/or contract to purchase or produce tapes, films and/or recordings for educational broadcasting." (emphasis added)

Sec. 5-525 authorizes the department of public instruction, in accordance with policies approved by the State Council of Education (i.e., the state board), to expend funds as they become available from any source whatever for

(1) establishing, and if necessary operating, any pilot educational television projects requested by the State Council of Education;

(2) purchasing or producing tapes, films and recordings for educational broadcasting or contracting for the purchase or producing thereof;

(3) making special grants to school districts, county boards of school directors and State colleges for educational broadcasting services procured by them whenever such grants will encourage the use of such facilities;

(4) establishing educational television facilities in accordance with the State plan for educational broadcasting;

(5) establishing network facilities to link educational broadcasting facilities as may be required by the State plan.

The amount of funds to be expended for such purposes is to be determined by the department of public instruction, but no State funds shall be expended for such purposes "unless specifically appropriated by the General Assembly".

RHODE ISLAND - The Rhode Island Education Laws, issued in 1959 by the State department of education, and numbered in accordance with Rhode Island Laws, contains provisions pertaining to audio-visual aids.

The purpose of Title 16, Chapter 28, stated in Section 16-28-1, is to make educational television services available to all citizens of the State.

Section 16-28-2 grants powers to the State board of education, in addition to its other powers,

(a) to accept, assume and control television channels assigned to the State by the Federal Communications Commission;

(b) to adopt rules and regulations necessary for that purpose;

(c) to construct, with approval of the State director of administration, and to repair and operate non-commercial educational television facilities designed ultimately to include the whole State;

(d) to produce, lease, grant and contract for telecasting purposes any cultural, educational or public information programs and to contract with other agencies for receiving, exchanging, rebroadcasting or retelevising such programs;

(e) to make all contracts necessary or incidental to the performance of its duties and the execution of its powers under this chapter, and to employ all personnel necessary for carrying out the program, such employees not being in the classified service of the State;

(f) to receive appropriations from the State and to accept grants from any Federal agency for the construction and operation of any television facility or for other purposes connected with educational television, provided that the acceptance of such grants or appropriations shall not reduce the amount of Federal aid for other education in the State, and to receive and accept aid or contributions from any other sources;

(g) to do any and all things necessary to comply with rules, regulations or requirements of the Federal Communications Commission or any other Federal agency administering any act of Congress to aid or encourage education;

(h) to fix, charge or collect fees for the use of any of the television facilities consistent with rules of the Federal Communications Commission;

(i) to do all things necessary or convenient to carry out the powers expressly granted in this chapter.

Section 16-28-3 prohibits the use of State-owned facilities for commercial advertising or for sponsoring the election of any party or individual for any public office.

Section 16-28-4 creates for the purposes of this chapter an advisory commission consisting of twenty members, representative of the different educational, cultural, professional, religious, and social interests in the State, to be appointed by the governor.

Section'16-28-5 directs the governor to designate one of the members of the advisory commission as chairman, and authorizes the commission to adopt rules for its procedure and appoint other officers from its membership. The commission shall have no administrative power, but it shall confer regularly, cooperate with, advise, and make recommendations to the board of education in the administration of this chapter. The board of education is required to consult with the advisory commission concerning the operation of educational television stations but makes the ultimate policy decisions. Members of the commission serve without compensation but are reimbursed for reasonable actual and necessary expenses incurred in performing their duties.

Section 16-28-6 directs the general assembly to appropriate each year a sum sufficient to carry out the purposes of the chapter and fiscal officials are authorized and directed to pay out moneys accordingly.

On another subject, Section 16-5-19, now repealed, directed the general assembly to appropriate each year such sum as it might deem necessary for the purchase of various reference works described, and maps, globes and other apparatus, for use of the public schools.

In 1960 the general assembly enacted extensive legislation, now incorporated in Chapter 7 - Foundation Level School Support, which repealed old Section 16-5-19 by provisions contained in P.L. 1960, Ch. 27, Sec. 12, now found in Section 16-7-30, 1961 Pocket Supplement to General Laws of Rhode Island, 1956. Section 16-7-30 relates, in its positive provisions, to maintaining a high school in a community, and the repealing provisions follow. This is not relevant to the old section repealed, and no other provision has been found either in Chapter 7 or elsewhere, comparable to it. Evidently the broad program for State aid to schools provided in Chapter 7 is considered adequate to meet the purpose expressed in the old statute and other, broader purposes as well.

SOUTH CAROLINA - The School Laws of South Carolina, 1952, issued by the State department of education, has only one reference to audio visual media of instruction, and no other has been found in the "Summary of State-wide Laws Relative to Education Passed by the General Assembly Annually since the Publication of the 1952 Code", also issued by that department in 1961 as a supplement, pending publication of a new code in 1962.

The single statute found is Section 21-473 in the code, which reads as follows:

> The State Schoolbook Commission shall provide audi-visual equipment, including films and motion picture projectors, for use in the free public schools of the State on either the State rental plan or the library purchase plan.

However, another official publication dated September 1959, Standards and Lists of Equipment and Materials for Improving Instruction under Title III of the National Defense Education Act, contains information on this subject. Section 4.2121 of this publication reads in part as follows:

> Purpose and Explanation. The criteria and lists of equipment and materials which follow are the standards for selection of equipment referred to in Section 4.212 of the South Carolina State Plan for Title III of P.L. 85-864. The criteria and list of equipment and materials are to be used by local district personnel in making their selections....

This provision, read in connection with the statute first quoted above and procedures followed in the supply system for schools, has persuasive if not directive authority.

Section 4.2125 of this publication relates to printed and audio-visual materials and provides, with reference to audio-visual materials: "Local systems may purchase materials in the fields of science, mathematics, and modern foreign languages which are printed in the purchase guide..."

On the page following that section there appear two lists of audio-visual equipment, one standard, and the other additional, as follows:

> Standard List. Black-out drapes, shades or blinds; projectors, 16 mm.; projectors, filmstrip with slide attachment; record players; recorders, tape; screens, projection.
>
> Additional Lists. Belts, take-up or rewind; cameras, 35 mm. with flash; easels; extension cords; film library equipment; flannel boards; language laboratory equipment; microphones; micro-projectors; pointers, projection; previewers, filmstrip; previewers, slides; projectors, microfilm; projectors, opaque; projectors, overhead; projectors, slide; radio receivers; radio transmitters; reels, 400 ft.; reels, 800 ft.; reels, 1200 ft.; reels, 1600 ft.; repetitive tape equipment and accessories, screens, wall; splicers for 16 mm.; splicers for 35 mm.; stands, projection; stereoscopes; tables, projection; TV receivers; TV closed circuit equipment.

In a letter to me dated December 13, 1961, Mr. J. K. East, supervisor of audio-visual education in the department of education, made the following comment:

> It is our belief that the need for improved utilization of audio-visual equipment and materials must be felt at the

local level before efforts from without or within can be effective. Our efforts, therefore, are directed toward helping local districts see the value of audio-visual education and to serve as consultants to those who catch the spark and ask for help as they establish programs.

In short, audio-visual education is not something we promote separately; it is a very vital part of the total picture in education, and as such, is being widely accepted by superintendents and instructional supervisors.

SOUTH DAKOTA - The School Laws of the State of South Dakota, 1961 contains the following references to audio-visual aids:

Section 15.1801, relating to the county library fund for common school districts, directs the county superintendent to use this fund for the purchase or rental of library books or audio-visual equipment and supplies, and to make a county library available to all the schools in the common school districts.

Section 15.1802, relating to libraries of independent school districts, requires the school board of an independent school district to spend an amount annually from the general fund in order to make adequate provision of library books and audio-visual equipment for an independent school district library available to all of the schools in the district. The minimum amount is fifty cents per capita each year.

Section 15.1803 recites regulations to which the county superintendent and the independent school board are subject in maintaining the school libraries provided for above. Two of these regulations read as follows:

1. All books or audio-visual films for purchase or rental shall be selected from lists prepared by or approved by the director of the State library.

2. Any one who sells library books or audio-visual films as provided herein shall certify over his signature upon the bill for such purchase that they have been approved for such purchase as herein provided by law.

Policies, Minimum Standards and Regulations for Accreditation of Secondary Schools contains regulations concerning the school library as established by the director of the State library under authority of the South Dakota Code, 1960 Supplement, Section 15.1803, supplementing the statute last referred to above. It is provided in Paragraph 1A that the school library shall be organized as a resource center of instructional material for the entire educational program, and that the number and kind of books and certain other material described, and audio-visual materials, shall be adequate for the number of pupils and the needs of instruction in all sources.

In Paragraph 2F of those regulations a formula is stated for minimum annual expenditures for books and other material described and for audio-visual materials.

Section 29.0303 of the South Dakota Code directs the State Free Library Commission to arrange in suitable packages for loan to public libraries, traveling associations and so on properly selected collections, including pictures.

TENNESSEE - There are both statutory and regulatory provisions relating to audio-visual aids. They appear in several sources as indicated.

Public Acts 1955, Chapter 254 (appearing in 1955 Public School Laws) provided for the creation of the Tennessee Educational Television Commission.

Section 1 of this statute is a long recital of inducements for the legislation, a statement that research and experiment are necessary in order to determine the best means of developing educational television in the State, and a statement that this legislation, providing matching funds to aid in the operation of a station by a governmental subdivision, a non-profit corporation, or an educational institution, is designed to accomplish that purpose.

Section 2 creates the Tennessee Educational Television Commission, composed of the governor, the commissioner of the department of education, and one other citizen to be selected by the governor and to serve at his pleasure. Members shall receive no compensation but shall be entitled to reimbursement for their actual expenses. The commission is authorized to employ secretarial or technical assistants as needed.

Section 3 directs the commission to have research and experiments conducted in education by television and authorizes it, for that purpose, to grant matching funds to any agency solely in the educational television field as defined by the Federal Communications Commission. The Commission is authorized further to intercede in any proceeding concerning the retention, allocation or reassignment of educational television channels when desirable. It is required to report its activities to the department of education and to recommend appropriate legislation to the general assembly.

Section 4 provides that applications for matching funds shall be submitted to the Tennessee Educational Television Commission which may approve on the following conditions:

1. The applicant must have a permit issued by the Federal Communications Commission to engage in non-commercial educational television on an authorized channel within the State.

2. The applicant must have a complete transmitting facility with proper capability and must give acceptable assurance (a) that it will use funds granted to it solely for operating expenses as distinguished from capital expenditures, and (b) that it will conduct research and experiments to determine the best way of developing educational television.

3. The applicant must have funds or donated services of a value acceptable to the commission and equal to the amount of matching funds applied for, provided that the amount granted shall be in the sole discretion of the commission and shall not exceed $50,000 in any one year regardless of the applicant's resources, that applicant shall acquire no assignable rights prior to issuance of the grant and that the grantee shall make reports as required by the commission.

4. The applicant must comply with all administrative regulations provided by the commission, which is empowered to prescribe rules and regulations and which is directed to observe certain procedures for fiscal control.

Section 5 appropriates the sum of $50,000 annually to the Tennessee Educational Television Commission to conduct research in education by television as above provided and to use as matching funds an amount not exceeding $50,000 to aid in the operating expenses of a qualified holder of a permit issued by the Federal Communications Commission to operate a non-commercial educational television station. Allocation is to be made in 1956 only if results in 1955 justify continuing research experiments.

Section 6 appropriates the sum of $2,500 annually to defray the expenses of the commission.

Section 7 provides for separability of sections in case any should be declared unconstitutional, and Section 8 provides that the Act become effective immediately.

Section 29 of Public Acts 1959, Chapter 14 (appearing in 1959 Public School Laws) appropriates for the educational television commission the sum of $50,000 for the fiscal year beginning July 1, 1959 and a like sum for each fiscal year thereafter, to be expended as set forth in Chapter 254 of the Public Acts of 1955 (as described above).

Section 29 of Public Acts 1961, Chapter 5 (appearing in 1961 Public School Laws), appropriated for the educational television commission the sum of $50,000 for the fiscal year beginning July 1, 1961 and a like sum for each fiscal year thereafter, to be expended in accordance with provisions of the basic act of 1955 as described above. At the same time, Section 42 of the Public Acts 1961, Chapter 5 repealed Public Acts of 1959, Chapter 14, which made an appropriation as described above, so that apparently there is no double appropriation of $50,000 each but only a single annual appropriation in that sum.

Section 1 of Public Acts 1961, Chapter 74 (appearing in 1961 Public School Laws), amends previous legislation by providing that any State college or university under the control of the State board of education is authorized to contribute to the support of any educational television station in the State which has been approved by the Tennessee Educational Television Commission, subject to the approval of the State board of education of the amount and extent of such contribution and subject to the availability of funds. This section also authorizes the board of education of any city, county, or special school district to contract with or contribute to the support of any educational television station in the State approved by the Tennessee Educational Television Commission, subject to the availability of funds.

Public Acts 1961, Senate Joint Resolution No. 43 (appearing in 1961 Public School Laws), urges the State department of education to supply a sufficient number of the filmstrip, "Communism on the Map", so as to make it available to all the public high schools in the State and to advise the principals of schools of such availability.

In 1961-1963 Rules, Regulations, and Minimum Standards of the State department of education (July 1961), Part II, minimum requirements of instructional material necessary for approval of public schools were promulgated, having the force of law. For high schools, "such equipment and materials as projector, films, slides, recordings, basic maps, charts, pictures, record player, exhibit materials" must be available for use in each classroom, and science materials and art materials must be available either in the materials center or in the classroom. Also the library room in such schools must be equipped with various items described and "suitable facilities to care for such teaching aids as filmstrips, recordings, and so forth".

For schools embracing grades 1 through 8 or 1 through 10 the materials collection shall include a suitable globe for classroom use, certain basic maps, bulletin boards, exhibit materials, and pictures, and additional materials should be used from the county materials center. A faculty member of such schools shall be designated as teacher-librarian or materials coordinator to select and organize materials for use. Op. cit., pages 46-49.

TEXAS - The only legislation dealing with any form of audio-visual aid is a provision found in Vernon's Annotated Revised Civil Statutes of the State of Texas, Vol. VIII, Title 49, Education - Public, 1951, with 1961 Cumulative Pocket Part. Article 2827b, found in the 1961 Pocket Part, provides in Section 1 that the board of trustees of any independent school district located in a county having a population of 800,000 or more and having a scholastic enumeration of 100,000 or more shall have authority to expend from local school funds sums for televising and/or broadcasting their meetings. A quick check of population figures and school census suggests that this may apply only to the school districts in Dallas and Houston. The legislation does not provide for educational television, but it may be a back-door approach to it.

UTAH - Some slight reference to audio-visual aids has been found in the Utah Code Annotated, 1953, Replacement Volume 5, with 1961 Pocket Supplement, and in School Laws of the State of Utah, 1961. In the latter volume there is a digest of an opinion by the State attorney-general relevant to the subject.

Section 53-14-8, entitled courses of study, directs the State superintendent of public instruction to "prepare...teaching materials and materials of instruction, bulletins, courses of study and visual education aids" for the use of boards of education, supervisors, teachers and other employees in schools, and to "incorporate the same into the regular course of study for use by the schools..." It appears from the context that this means that he should indicate the different courses of study and the visual education aids suitable for use in connection with them.

Section 53-14-11, entitled Materials Included in Course of Study, is very similar. It directs the State superintendent of public instruction to "prepare...teaching materials and materials of instruction, bulletins, visual aids..." and to "incorporate the same into the regular courses of study for use by the schools..." It seems that in both of these statutes it is intended for the State superintendent of public instruction to prepare official lists and guides to be used by local school officials.

Section 53-2-29 provides in part that the minimum uniform school program, which other sections require a school district to maintain in order to participate in State aid, shall include the expenditure for educational supplies and equipment in amounts determined by the State board of education to be adequate for efficient instruction. Presumably this would cover the local purchase of visual aids and other materials by the respective school districts.

On page 172 of School Laws of the State of Utah, 1961, there appears the following digest of a special opinion given April 28, 1953 by the attorney-general of Utah:

> Non-profit educational television corporation.
>
> Public school institutions may hold membership and contribute support to build and operate a non-profit educational television station providing: (1) the

> corporation will be non-profit, (2) members are non-assessable, (3) revenues are from current funds that are free from constitutional and statutory debt limitations (federal or state), (4) the University of Utah will have approval of finance commission and/or the board of examiners, and (5) no sectarian or political use or advertising of any particular school will be made.

The Utah School Report, 1958-60, contains the following statement on page 5:

> At the present in Utah there is no authorized central agency equipped to respond to the increasing number of queries and requests relative to channel allocations, technical assistance and standards for districts in the operation of television stations and programs. The problem is much broader than the relationship of KUED. Experiments with school broadcasts the last two years indicate the need for an official commission to assure the maximum amount of cooperation and use of facilities with the minimum amount of cost involved.

This report, made by the superintendent of public instruction, contains numerous references to the use of different types of audio visual equipment in connection with Title III NDEA and otherwise, but such statements are not regulatory in nature and need not be described in detail.

VERMONT - No legislation concerning the use of audio-visual aids in the elementary or secondary schools was found in Vermont Education Laws, reprinted from Title 16 and others, Vermont Statutes

Annotated. However, the 1961 State legislature enacted the following bills:

> No. R.46. (J.R.H.27) continues commission on educational television "for the next ensuing biennium" and appropriates for it the sum of $2,000 plus any unexpended balance.
>
> No. 249. (S.123) The State board of education shall allocate from its appropriation for each biennium until this act is specifically repealed the sum of $5,000 to provide to the schools visual educational films and instructional help in the use of visual educational material.

In a letter addressed to me on November 28, 1961, Mr. Max W. Barrows, Deputy Commissioner of Education for the State of Vermont, stated:

> Until recently our Department has had the amount of $5,000 a year earmarked for the expenditure of 16 mm. films which have been purchased and deposited in our Vermont Film Library at the University of Vermont. Due to the economy of recent State legislatures, this amount of money has not been available for the past four years. In 1937 [sic] a special act of the Legislature provided for an annual appropriation of $5,000 definitely earmarked to audio-visual education. However, through some error when our laws were revised, the revision committee apparently overlooked this act and it was deleted from the revised edition of our state laws. Our Department attempted to get this act passed during the 1961 session of the Vermont Legislature with the result that the act was passed but no funds were made available."

In the Biennial Report of the Vermont State Board of Education for the two years ending June 30, 1960, an item in the recommended appropriations for 1962 and 1963 provides, among other activities, for "State leadership in audio-visual and school television programs."

VIRGINIA - In Virginia School Laws, 1958 and 1960 Cumulative Supplement, both published by the State board of education, the following reference was found to audio-visual aids:

> Section 22-296. Selection of textbooks and appliances.--The State Board shall select textbooks and educational appliances, including films, for use in the public schools of the State, exercising such discretion as it may see fit in the selection of books suitable for the schools in the cities and counties respectively.

In Regulations of the State Board of Education, February, 1959, under the section entitled Audio-Visual Education, authority, having the force of law, is given for:

> The purchase of phonographs, radio-phonographs, and recordings for use in the audio-visual education program, with State library funds on the same matching basis as used in the purchasing of books and other materials for public school libraries...(January 1945)

> The purchase with State funds, of audio-visual equipment and teaching supplies which have been selected by a committee of the department of education and submitted to the director of purchase and printing. This equipment so selected consists of sound and silent motion picture projectors, still picture projectors, classroom screens, sound and silent motion picture films, globes, maps, and charts.

The purchase, with State funds, of two sizes of auditorium screens through the State division of purchase and printing.

The purchase, with State aid funds, of 2" x 2" slides and filmstrips on the printed library lists by the State board of education...(June 1950)

Under the title Film Circulation from State and Regional Bureaus of Teaching Materials, an interpretation of a regulation was given substantially as follows: There is general circulation of films from the State and regional bureaus of teaching materials to schools for use in regular scheduled classes under the direction of teachers. Certain exceptions were noted, but they are not relevant here. (November 1949)

A bulletin of the State board of education, Volume XLIV, July 1961, No. 1, entitled Educational Motion Pictures for Virginia Public Schools, contains a listing of approximately 2,400 different film titles used in the schools. The introduction of this publication contains a description of the organization for distribution and utilization of teaching materials in Virginia on four different levels: (1) State, (2) regional, (3) division, i.e., school district, and (4) the single school. In the single schools all types of teaching equipment and material are kept in the school library.

The Annual Report, 1959-60 of the Superintendent of Public Instruction contains a full description of activities relating to audio-visual aids under the sections entitled respectively, Division of Publications and Teaching Materials, Bureau of Teaching Materials, a Typical Division Center, and Film Production. It is an impressive record of accomplishment. Under the heading Bureau of Teaching

Materials, reference is made to instruction by television in five areas of the State: the Norfolk area, the Accomack County area, the Northern Virginia area, Richmond city, and Danville. Reference was also made to the experimental use of teaching machines in the Woodrow Wilson Junior High School of Roanoke in cooperation with Hollins College there.

At its last session, the general assembly of Virginia enacted legislation to establish the advisory council on educational television, Chapter 428, Acts of Assembly, 1962, House Bill 210, approved March 31, 1962.

Section 1 calls the enactment the "Educational Television Station Facilities Construction Act."

Section 2 gives various definitions, which can be omitted here.

Section 3 establishes within the office of the governor the advisory council on educational television. The council is charged with conducting studies of engineering and other questions concerning educational television, making a survey of existing television facilities, serving the need for such facilities, and assisting counties, cities and towns in school authorities thereof in the construction, establishment, operation and use of such facilities and programs broadcast from them. The governor is authorized, upon request of the council, to assign to any agency within his office all or any part of the duties imposed upon the council.

Section 4 authorizes and directs the council

(a) to require reports, make inspections and investigations, and prescribe regulations as necessary; to procure the temporary services on a part-time or fee-for-service basis, of experts, consultants, or organizations; to make agreements for the utilization of facilities and services of other State agencies, institutions, public or private;

(b) to accept on behalf of the State and to deposit with the State treasurer any grant, gift, or contribution made to assist in meeting the cost of carrying out the purpose of this act and to expend the same for such purpose.

Section 5 provides that the council shall consist of thirteen members, one from each congressional district and three from the State at large, to be appointed by the governor, who shall also designate one of the members as chairman. Other provisions relate to rotation of terms. Council members while serving on business of the council shall be entitled to receive actual and necessary travel and subsistence expenses.

Section 6 authorizes and directs the council to make an inventory of existing facilities for educational television, survey the need for construction of additional facilities, and on the basis of such information assembled to develop a program for the construction of such public and other non-profit facilities as to provide, in conjunction with existing facilities, adequate educational television programs throughout the State.

Section 7, the construction program shall provide insofar as possible adequate educational television facilities to make educational television programs reasonably accessible to persons throughout the State.

Section 8 requires the council to prepare and make public a State plan, including the educational television facilities construction program, which shall provide for the establishment, administration, and operation of a program of activities for the construction of educational television facilities, in accordance with regulations adopted by the council. It shall give adequate publicity to the proposed plan, hold hearings for interested persons or organizations, and after approving the plan make a copy of it available to all interested persons or organizations. It is also to review and amend the plan from time to time as necessary. The State board of education is directed to work in cooperation with the council and to furnish such services as may be agreed upon, including a secretary for the council.

Section 9 requires that the State plan establish an order of priority among the several projects included in the construction program, based upon relative need, and provide for the construction of projects accordingly, subject to availability of financial resources.

Section 10, applications for such construction projects, requesting State funds, must be submitted to the council and may be transmitted by the State to any of its political subdivisions or to any public or non-profit agency authorized to operate an educational television station, which is interested in such project.

Section 11 requires the council to afford a fair hearing to every applicant for a construction project. After hearings on applications in the order of relative need, and upon a finding that a project application complies with requirements, the council may approve such application.

Section 12 directs the council to inspect construction projects and upon a finding of compliance with requirements to certify to the comptroller that payment of an installment of State funds is due to the applicant.

Section 13 authorizes the council to receive funds on behalf of such applicants and transmit them. The section establishes a separate fund called Education Television Facility Construction Fund. Money received for an approved construction project shall be deposited to the credit of this fund and be used solely for payment due to applicants for work performed or purchases made in carrying out the project.

Section 14 limits the contribution by the State to one-third of the cost of construction of any such educational television facility. No part of the State appropriation shall be made available by the council until it has satisfactory assurances that necessary funds for financing the remaining two-thirds of the cost have been or will be made available from sources other than State funds.

WASHINGTON - The Education Manual, Laws Relating to Public Education in the State of Washington, 1960, and 1961 supplement, based upon the Revised Code of Washington and containing an appendix with regulations, has some references to audio-visual instructional aids. A search of 1962 supplementary material has been negative in results.

Section 28.63.040 provides: "Every board of directors of districts of the second and third class shall, in addition to the powers and duties granted to all directors, provide and pay for such materials, supplies, and libraries, and purchase such maps, charts, and other apparatus as may be necessary for the schools. In third class districts such purchases must have the written approval of the county school superintendent."

Appendix C of the Education Manual of Washington State, describing procedures, policies, and regulations of the State board of education in the administration of the State assistance program, describes in Section V certain items which must be paid for out of school district funds. Included in Class E, equipment, are the following items: Classroom equipment of all kinds, various items listed and visual aid equipment; intercommunication and public address equipment except conduit, raceways and wiring; stage equipment (valances, proscenium drapes, picture screens, projection curtains, certain other items, and cyclorama settings...). Certain allowances are made for districts which can qualify under the emergency State assistance program under conditions not necessary to explain here.

Appendix E of the same publication, pages 392-401, recites policies and regulations of the State board of education respecting allotment of State funds for financing public education. One regulation concerns standards governing allotments to school districts for special service units, the activities of which constitute an additional credit for school districts toward State allotments. One of these special service units is described as follows:

> Library, Audiovisual, Educational Television Service.
>
> Organizing, managing and supervising service to students and faculty members either in library, audiovisual or educational television media, this service to include in-service training activities designed to promote better instructional methods, the use of new media and techniques...

WEST VIRGINIA - The only reference to audio-visual media, or to some expression which might include them, found in School Laws of West Virginia, reprinted from the West Virginia Code of 1955 and 1957 Cumulative Supplement, and in supplemental material consulted is very meager.

Section 1770 directs the county school board to provide necessary furniture, pictures, apparatus, fuel, and all necessary supplies for the schools. The annotation indicates that this section permits school boards to provide maps. Another annotation indicates that a board of education may, under the head of "appliances" (which expression appeared in earlier statutes before being substituted with the word "apparatus" to provide for the school houses maps and charts, citing Honaker v. Board, 42 W.Va. 170, 175, 24 S.E. 544).

WISCONSIN - The Laws of Wisconsin Relating to Public Schools, issued by the State superintendent, 1959, contains only a meager reference, just barely relevant, to audio-visual media.

Section 39.02(a), relating to educational literature, directs the State superintendent of public instruction to collect in his office such school books, apparatus, maps and charts, as may be obtained without expense to the State.

No other specific legislation on this subject has been found. However, in the 39th Biennial Report of the State Department of Public Instruction, 1957-1959, there is a discussion of future planning to include the use of television and other audio-visual aids and, in connection with school buildings of the future, the development and research in television, language laboratories, and curricular changes in terms of building design.

WYOMING - No legislation was found in Wyoming School Laws, 1958, and Wyoming Statutes, 1961 Cumulative Supplement, or in other publications, relating to audio-visual media of instruction.

Chapter IV

SUMMARY OF STATE LEGAL AUTHORITY TO ESTABLISH AND OPERATE EDUCATIONAL TELEVISION STATIONS

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Chapter IV

SUMMARY OF STATE LEGAL AUTHORITY TO ESTABLISH AND OPERATE EDUCATIONAL TELEVISION STATIONS

This chapter deals with legal and other material required by Supplement No. 3 to Contract OE 2-16-003, which reads in part as follows:

> "...a description of relevant statutes, regulations, municipal ordinances, court decisions, etc. affecting positively or negatively the *establishment and operation of educational television broadcasting stations* (excluding closed-circuit television systems) *under State and/or local authorities*..." (emphasis added)

Much of the legal material on this subject, but not all, is found in Chapter III, *ante*. It must be supplemented by statutes, often expressed in general terms, as described in Chapter V, following this chapter.

This material has been supplemented by information obtained through extensive research in the official files of the Federal Communications Commission. Additional information has been obtained from *Educational Television Directory*, January 1962, prepared and published by the National Educational Television and Radio Center, New York. For convenience, this publication will be cited here as *Directory, 1962*, where necessary.

This directory shows, with respect to VHF (very high frequency) and UHF (ultra high frequency) educational television channels, information in separate sections under the following headings:

ETV Channel Reservations

ETV Allocation Map

ETV Stations on the air or soon to be activated

Other Construction Permits and Applications

Communities in which there has been advanced planning

Commercially operated stations licensed to educational institutions

as well as a section describing the activities and organization of National Educational Television and Radio Center, the publisher of the directory, and of the National Association of Educational Broadcasters and the Joint Council on Educational Broadcasting. Officers of these organizations and of the Federal Communications Commission are also shown.

An examination of this publication shows the following distribution of educational television channel reservations and operating stations among the States:

State	Reservation	Operating
Alabama	15	3
Alaska	4	0
Arizona	2	2
Arkansas	3	0
California	9	2
Colorado	4	1
Connecticut	3	0
Delaware	3	0
Florida	9	5
Georgia	5	2
Hawaii	4	0
Idaho	2	0
Illinois	7	3
Indiana	9	0
Iowa	6	1
Kansas	4	0
Kentucky	2	1
Louisiana	4	2
Maine	5	1
Maryland	1	0
Massachusetts	3	1

State	Reservation	Operating
Michigan	13	2
Minnesota	3	1
Mississippi	5	0
Missouri	4	2
Montana	6	0
Nebraska	2	1
Nevada	2	0
New Hampshire	2	1
New Jersey	6	0
New Mexico	6	1
New York	10	1
North Carolina	8	1
North Dakota	6	0
Ohio	9	4
Oklahoma	7	3
Oregon	3	2
Pennsylvania	5	3
Rhode Island	1	0
South Carolina	4	0
South Dakota	4	1
Tennessee	8	1
Texas	18	3
Utah	5	2
Vermont	1	0
Virginia	5	1
Washington	10	3
West Virginia	4	0
Wisconsin	12	2
Wyoming	1	0
Totals	274	59

A discrepancy between the total of 59 operating stations shown above and the total of 65, reached by adding figures in other lists shown below, is reconciled by inclusion in those lists of (1) a station with a different channel, (2) several stations which have received a license but are not yet operating, and (3) one licensee operating two stations. These statistics were not included above.

In the following States stations had received licenses but had not started operations at the time of publication:

Alabama	WDIQ at Montgomery
California	KVCR-TV at San Bernardino
Georgia	WEGA-TV at Savannah
	WXGA-TV at Waycross
Texas	KLRN-TV at Austin
Utah	KUSU-TV at Logan

6

The stations for which operating licenses have been granted can be classified according to the character of the owner as shown below. When the licensee is different from the owner, that will be indicated.

1. STATE OR SPECIAL STATE AGENCY

Alabama - 4

State of Alabama, owner; Alabama Educational Television Commission, licensee:
Andalusia - WAIQ - Channel 2 (Auburn University)
Birmingham - WBIQ - Channel 10 (Birmingham are ETV association)
Munford - WCIQ - Channel 7 (University of Alabama)
Montgomery - WDIQ - Channel 26 (not yet in operation)

Oklahoma - 2

Oklahoma Educational Television Authority, a statutory corporation and State agency, owner and licensee:
Oklahoma City - KETA-TV - Channel 13
Tulsa - KOED-TV - Channel 11

Total: 6

2. STATE AND STATE BOARD OF HIGHER EDUCATION

Oregon - 2

State of Oregon, State Board of Higher Education of Oregon, owner and licensee:
Corvallis - KOAC-TV - Channel 7
Portland - KOAP-TV - Channel 10

Total: 2

3. STATE BOARD OF EDUCATION

Georgia - 2

Georgia State Board of Education, owner and licensee:
Savannah - WEGA-TV - Channel 9 (not operating)
Waycross - WXGA-TV - Channel 8 (not operating)

Total: 2

4. STATE DEPARTMENT OF EDUCATION

Louisiana - 1

State Department of Education, State of Louisiana, owner and licensee:
Monroe - KLSE - Channel 13

Total: 1

5. LOCAL BOARDS OF EDUCATION OR SCHOOL DISTRICTS

Colorado - 1

Denver Public Schools, owner; School District No. 1, City and County of Denver, licensee:
Denver - KRMA-TV - Channel 6

Florida - 1

Dade County Board of Public Instruction (supported by Community TV Foundation of South Florida, Inc.), owner; the Board of Public Instruction of Dade County, Department of Radio and Television Education, licensee:
Miami - WTHS-TV - Channel 2

Georgia - 1

Board of Education of the City of Atlanta, owner and licensee:
Atlanta - WETV - Channel 30

Iowa - 1

Des Moines Independent Community School District, owner and licensee:
Des Moines - KDPS-TV - Channel 11

Missouri - 1

School District of Kansas City, Missouri, owner and licensee:
Kansas City - KCSD-TV - Channel 19

New Mexico - 1/2

Regents of the University of New Mexico and the Board of Education of the City of Albuquerque, joint owners and licensees:
Albuquerque - KNME-TV - Channel 5

Oklahoma - 1

Oklahoma City Board of Education, owner; Independent School District No. 89 of Oklahoma County, licensee:
Oklahoma City - KOKH-TV - Channel 25

Texas - 1

Richardson Independent School District, Richardson, Texas, owner and licensee:
Richardson - KRET-TV - Channel 23

Utah - 1

Weber County School District, owner and licensee:
Ogden - KWCS-TV - Channel 18

Washington - 2

Clover Park School District No. 400, owner and licensee:
Lakewood Center - KPEC-TV - Channel 56
Tacoma School District No. 10, owner and licensee:
Tacoma - KTPS-TV - Channel 62

Total: 10 1/2

21 1/2
21 1/2
1
3
10
8
65

6. LOCAL BOARD OF ADULT EDUCATION

Wisconsin - 1

Board of Vocational and Adult Education, owner and licensee:
Milwaukee - WMVS-TV - Channel 10

Total: 1

7. UNIVERSITIES, COLLEGES, OR BODIES REPRESENTING THEM

Arizona - 2

Arizona State University (Board of Regents), owner and licensee:
Phoenix (Tempe) - KAET - Channel 8
Board of Regents of the University of State Colleges of Arizona, owner and licensee:
Tucson - KUAT - Channel 6

California - 1

San Bernardino Joint Union Junior College District, owner and licensee:
San Bernardino - KVCR-TV - Channel 24 (not operating)

Florida - 2

Board of Control, acting for and on behalf of the University of Florida, owner and licensee:
Gainesville - WUFT - Channel 5
Florida State University, owner; the Florida Educational Television Commission and the Board of Control of Florida acting for and on behalf of the Florida State University, licensee:
Tallahassee - WFSU-TV - Channel 11

Georgia - 1

Regents of the University System of Georgia for and on behalf of the University of Georgia, owners and licensees:
Athens - WGTV - Channel 8

Illinois - 2

Board of Trustees of Southern Illinois University, owner and licensee:
Carbondale - WSIU-TV - Channel 8
The Board of Trustees of the University of Illinois, owner and licensee:
Urbana - WILL-TV - Channel 12

Maine - 1

Colby-Bates-Bowdoin Educational Telecasting Corporation, representing Colby, Bates, and Bowdoin Colleges, owner and licensee:
Augusta - WCBB - Channel 10

Michigan - 1

Board of Trustees, Michigan State University, owner and licensee:
East Lansing - WMSB - Channel 10

Nebraska - 1

Board of Regents, University of Nebraska, owner and licensee:
Lincoln - KUON-TV - Channel 12

New Hampshire - 1

University of New Hampshire, owner and licensee:
Durham - WENH-TV - Channel 11

New Mexico - 1/2

Regents of the University of New Mexico, and the Board of Education of the City of Albuquerque, joint owners and licensees:
Albuquerque - KNME-TV - Channel 5

North Carolina - 1

Consolidated University of North Carolina, owner and licensee:
Chapel Hill - WUNC-TV - Channel 4

Ohio - 2

Ohio State University, owner and licensee:
Columbus - WOSU - Channel 34
The President and Trustees of the Miami University, Oxford, Ohio, owners and licensees:
Oxford - WMUB-TV - Channel 14

South Dakota - 1

State University of South Dakota, Vermillion, South Dakota, owner and licensee:
Vermillion - KUSD-TV - Channel 2

Texas - 1

University of Houston Board of Regents, owner and licensee:
Houston - KUHT - Channel 8

Utah - 2

Utah State University of Agriculture and Applied Science, Logan, Utah, Owner and licensee:
Logan - KUSU-TV - Channel 12
University of Utah, owner and licensee:
Salt Lake City - KUED-TV - Channel 7

Washington - 1

University of Washington, owner and licensee:
Seattle - KCTS-TV - Channel 9

Wisconsin - 1

University of Wisconsin, Madison, Wisconsin, owner and licensee:
Madison - WHA-TV - Channel 21

Total: 21 1/2

8. PUBLIC LIBRARY

Kentucky - 1

Board of Trustees, Louisville Free Public Library, owner and licensee:
Louisville - WFPK-TV - Channel 15

Total: 1

9. NON-OFFICIAL COUNCILS OR COMMISSIONS

Missouri - 1

St. Louis Educational Television Commission, owner and licensee:
St. Louis - KETC - Channel 9

Texas - 1

Southwest Texas Educational Television Council, owner and licensee:
San Antonio - KLRN-TV - Channel 9

Total: 2

10. FOUNDATIONS

Louisiana - 1

The Greater New Orleans ETV Foundation, owner and licensee:
New Orleans - WYES-TV - Channel 8

Massachusetts - 1

WGBH Educational Foundation, owner and licensee:
Boston - WGBH-TV - Channel 2

Michigan - 1

Detroit Educational Television Foundation, owner and licensee:
Detroit - WTVS - Channel 56

Ohio - 2

Greater Cincinnati Television Educational Foundation, owner and licensee:
Cincinnati - WCET - Channel 48
The Greater Toledo Educational Television Foundation, owner and licensee:
Toledo - WGTE-TV - Channel 30

Tennessee - 1

Memphis Community Television Foundation, owner and licensee:
Memphis - WKNO-TV - Channel 10

Texas - 1

Area Educational Television Foundation, owner and licensee:
Dallas - KERA-TV - Channel 13

Total: 7

11. ASSOCIATIONS

California - 1

Bay Area Educational Television Association, owner and licensee:
San Francisco - KQED - Channel 9

Illinois - 1

Chicago Educational Television Association, owner and licensee:
Chicago - WTTW - Channel 11

Virginia - 1

Hampton Roads Educational Television Association, owner and licensee:
Norfolk - WHRO-TV - Channel 15

Total: 3

12. CORPORATIONS

California - 1

Central California Educational Television, Inc., owner and licensee:
Sacramento - KVIE - Channel 6

Florida - 2

Community Television, Inc., owner and licensee:
Jacksonville - WJCT - Channel 7
Florida West Coast Educational Television, Inc., owner and licensee:
Tampa - WEDU - Channel 3

Minnesota - 1

Twin City Area Educational Television Corporation, owner and licensee:
Minneapolis-St. Paul - KTCA-TV - Channel 2

New York - 1

Western New York Educational Television Association, Inc., owner and licensee:
Buffalo - WNED-TV - Channel 17

Pennsylvania - 3

"Non-profit corporation composed of educational, cultural, and public service interests in the Metropolitan Philadelphia area, New Jersey and Delaware, owner; WHYY-TV, Inc., licensee:
① Philadelphia - WHYY-TV - Channel 35
Metropolitan Pittsburgh Educational Television Station, owner and licensee:
② Pittsburgh - WQED - Channel 13 and WQEX - Channel 16

Total: 8

In addition, of course, there is in the District of Columbia Station WETA-TV on Channel 26, owned by and licensed for operation to the Greater Washington Educational Association, Inc. Although it serves public schools and other interests in Maryland and Virginia, as well as in Washington, D.C., it will not be included in the following totals and analyses, which relate only to the several States.

Furthermore, it appears that as of January 1962, a number of applications for construction permits for stations in the various States had been filed - and quite a few approved - but no account of these will be taken here. All, apparently, are at inconclusive points "in process", and no files have been readily available in the Federal Communications Commission to verify the status of them.

It appears, also, that five commercial stations have been licensed to educational institutions as follows: WNDU-TV, Channel 16, South Bend, Indiana, to the University of Notre Dame; WOI-TV, Channel 5, Ames, Iowa, to Iowa State University of Science and Technology; WWL-TV, Channel 2, New Orleans, Louisiana, to Loyola University; KOMU-TV, Channel 8, Columbia, Missouri, to Curators of the University of Missouri; and WBAY-TV, Channel 2, Green Bay, Wisconsin, to Norbertine Fathers (St. Norbert College). They are mentioned here only in order to complete the background concerning educational television stations in operation, but will not be considered in the analysis.

From the statistics given above, before these explanatory comments were made, it appears that a summary of the several classes of educational television stations can be made as follows:

1. State or Special State Agency - 6
   - Alabama - 4
   - Oklahoma - 2
2. State and State Board of Higher Education - 2
   - Oregon - 2
3. State Board of Education - 2
   - Georgia - 2
4. State Department of Education - 1
   - Louisiana - 1
5. Local Boards of Education or School Districts - 10 1/2
   (1/2 represents joint ownership with a State university)
   - Colorado - 1
   - Florida - 1
   - Georgia - 1
   - Iowa - 1
   - Missouri - 1
   - New Mexico - 1/2 (joint ownership)
   - Oklahoma - 1
   - Texas - 1
   - Utah - 1
   - Washington - 2

6. Local Board of Adult Education - 1
Wisconsin - 1

7. Universities, Colleges, or Bodies Representing Them - 21 1/2
(1/2 represents joint ownership with a local board of education)
Arizona - 2
California - 1
Florida - 2
Georgia - 1
Illinois - 2
Maine - 1
Michigan - 1
Nebraska - 1
New Hampshire - 1
New Mexico - 1/2
(joint ownership with
local school board)
North Carolina - 1
Ohio - 2
South Dakota - 1
Texas - 1
Utah - 2
Washington - 1
Wisconsin - 1

8. Public Library
Kentucky - 1

9. Non-official Councils or Commissions - 2
Missouri - 1
Texas - 1

10. Foundations - 7
Louisiana - 1
Massachusetts - 1
Michigan - 1
Ohio - 2
Tennessee - 1
Texas - 1

11. Associations - 3 + District of Col.
California - 1
Illinois - 1
Virginia - 1

12. Corporations - 7
California - 1
Florida - 2
Minnesota - 1
New York - 1
Pennsylvania - 2 -3 see p

This variety of organizations under which educational television is being developed in the United States may seem to be rather significant. The representation of some States in two or more different classes of organizations may also seem significant. Apparently, throughout the country, different kinds of legal entities have been employed as vehicles to establish and operate educational television stations.

The reason for this disparity may have been one of local expediency, based partly on legal institutions of the State and partly on other considerations. But in large perspective the differences are not so great as they appear to be.

For instance, there is no great essential difference among the classes 9 through 12, whether the organizations were created as corporations, boards of trustees to administer a foundation, or more informal entities called associations, councils, or commissions. They all have to be non-profit organizations devoted to the purpose of producing educational television in order to qualify for an "ETV" license from the Federal Communications Commission. And they all have to satisfy this Commission that they are responsible financially and are subject to claim and suit by creditors in their respective jurisdictions.

Class 8, Libraries, which are commonly quasi-public corporations or associations, with eleemosynary characteristics, are no different from these other non-profit organizations essentially.

All of the organizations at the bottom of this list of classes, therefore, can be considered alike in many respects. They are governed in organization, operation, and fiscal responsibility, by the basic laws of their respective communities and are no different in these respects from hundreds of similar organizations carrying on other non-profit activities alongside of them.

There should be no difficulty in finding authority for them to establish and operate educational television stations. Corporate charters, deeds of trust, and articles of association of organizations formed especially for this purpose will no doubt be specific in describing it.

In the case of the Louisville Free Public Library in Kentucky, ownership is in its board of trustees which is also the licensee of the Federal Communications Commission. The Kentucky Revised Statutes, 1960, Vol. II, Title XIV, Libraries and Archives, contains pertinent legislation.

Section 171.015 of that Title establishes the State Law Library under the management and control of a broad of trustees, including the judges of the State Court of Appeals and the Attorney General. In it there is a Library Extension Division, in charge of a director appointed by the Governor, with the duty of assisting and advising various libraries described, including free and public libraries in the State, Sec. 171.202. The Director of this division, the Commissioner of Finance, and the Attorney General constitute the Public Library Service Commission, Sec. 171.202, the purpose of which is to administer the Public Library Service Fund provided by the State and to aid in the development of local library facilities.

Chapter 173 of this Title relates to various kinds of local libraries, including those in a "first-class city" like Louisville. Management and control of the library is in a board of trustees, which is authorized to sue or be sued, manage and improve property, rent or least property, and erect suitable buildings, Sec. 173.050. Funds for the establishment and maintenance of such a public library come from the city's general fund, Sec. 173.070, raised by local taxation and administered by local municipal authorities.

Requests by the board of trustees of the Louisville library for funds to establish and operate an educational television station would have to be approved by the municipal officials of Louisville, and if they had any question of the legal authority of the board they would certainly resolve it before making their appropriations. Furthermore, the Public Library Service Commission, of which the State Attorney General is a member, would certainly exercise its advisory powers in advising the board of trustees of the library concerning its legal authority to establish, own, and operate an educational television broadcasting station.

This station has been in operation, according to the Directory, 1962 cited, since September 5, 1958, almost four years. It can only be concluded that the general powers of the board of trustees have been interpreted as being adequate to imply authority to engage in the establishment and operation of a television station, the educational nature of which is so obviously related to the educational function of the library.

The legal authority for the classes 8 through 12 listed above, therefore, can easily be accounted for. That leaves the question of authority in classes 1 through 7.

All of the officials or organizations included in them, with two exceptions to be noted, have something in common. They hold public office or are public entities or organizations governed by so-called public law creating the office, agency, or organization, and prescribing duties and powers with respect to a division of functions and responsibilities and the safeguarding of public funds - all in the general interest of the State community.

The two exceptions relate to the State itself and to those universities and colleges which are not State organizations but privately owned, as well as the representatives of them.

The State, as a sovereign, can exercise any power which has not been granted to the Federal government or which is not restricted by the State Constitution under which it operates through the structure of government established for it by the people. In the field of local education it is supreme within its own territory, and it requires no welfare-state philosophy to suggest that the State through its constituted government can authorize any State agency to establish, own and operate an educational television station. But the State, as an inchoate entity, must act through people, and these people must be put into public office and public organizations, and be clothed with appropriate authority in order for the State to utilize property owned by it.

It can be said with perfect logic that a State owns property, such as public buildings, public forest domains and other lands, school buildings and even schoolbooks in some States. It is a figurative locution, however, to say that a State "uses" such property or "disposes" of it in some way. Through its constitutional agency, the State legislature, it provides public statutes to determine who, and in what organization, shall acquire, use, and dispose of property in its name, and how.

In the case of Alabama, cited as the owner of certain educational television stations in the State, the legislature created the Alabama Educational Television Commission, Sec. 627, Public School Laws, and specifically authorized it to own and operate television stations or to contract with others to operate them, Sec. 631, ibid. Thus, it is through a constituted agency that the State exercises incidents of ownership and use.

Speaking for the State, in supplement to Constitutional provisions, the legislature provides for other State functions to be discharged by constituted officials and organizations - agencies of the State - supported in whole or in part by public funds. It is not necessary to draw a fine line to determine a point of beginning of any conflicting interest and a point of ending of the interest of a State in activities of an organization supported only in part with State funds. If it owes its existence to the State and is supported by it even partly, the organization is subject to control by the public laws enacted by the legislature. And it is not important to distinguish whether it owns the property it deals with or whether the State owns such property. The property must be used for the purposes and in the manner determined by the legislature. This applies not only to plant, equipment, and other property, but to money received from State appropriations or from local taxation as well.

Obviously this does not apply to privately owned colleges and universities. The officials of such an organization, of course, are subject to all of the sumptuary laws of the State, and the organization itself is subject to various regulations imposed as a condition, so to speak, for its enjoyment of special status as a tax free non-profit making entity. No such regulatory measure, however, would be enacted by a State legislature in terms to restrict seriously the basic function of the organization giving instruction in higher branches of learning.

This function is just as important to the legislature, the people whom it represents, and the State, as it is to the individual organization, which is permitted to enjoy a special status in the community in order to meet a basic social need. The function, therefore, must not be interfered with, and such laws as those in some States requiring an oath of allegiance from professors or observance of certain standards of instruction can be dismissed as being irrelevant to any disturbance of the underlying function of these organizations.

Charters under which private universities are organized and their governing bodies function contain a statement of purpose and of the powers granted for accomplishing the purpose. None of these charters has been examined. But there is no reason to believe that their terms would be so narrow as to exclude authority to establish and operate an educational television station.

There is nothing unique about such a station, in so far as schools of any kind are concerned, except its form. It is, of course, a highly technical electronic apparatus, usually not found as a part of school equipment. Its sole purpose is to produce and transmit over considerable distances communications of sound and pictures. If that purpose is restricted to communications of an educational nature, the apparatus represents only an addition to the many other different kinds of tools currently used for the instructional process. And when educational authorities seek permission from the Federal Communications Commission to establish and operate an educational television station, they are seeking only a new tool to use in accomplishing the duties entrusted to them. The permission granted does not authorize use of such equipment for any purpose except education. This permits directing the present inquiry into narrower considerations.

The establishment and the operation of an educational television station require not only a teaching staff to prepare communications for transmittal, but also money for construction and operation and a staff of technical operators, who have to be paid. The teaching staff is available and authorized to teach in the educational establishments, so that inquiry can be narrowed even further to authority of school officials to spend money and perform acts connected with the construction, maintenance and operation of the station by competent technicians. In so far as the public school systems are concerned, this authority is found primarily in the school laws on education enacted by the legislatures to govern activities of agencies created and regulated to carry out a necessary function for the States.

The laws relating to State colleges and universities are not so elaborate as those relating to elementary and secondary schools. General purposes and authority of governing bodies are stated in general terms. Those laws have not been included in the present study, which has been restricted to elementary and secondary schools. It is believed that a discussion of them is not required here, even though there is evidence that some stations operated by colleges or universities are making broadcasts for the benefits of the lower ranking schools. No extended research on this subject has been undertaken for all fifty States, but some pertinent laws from a few of them are cited below.

Arizona. Sec. 15-724 of Title 15, Arizona Revised Statutes, 1960, reads as follows:

"A. The board of regents shall be a body corporate with perpetual succession and shall have the name 'board of regents of the university and state colleges of Arizona.' The board shall have jurisdiction and control over the university and state colleges.

"B. The board may:
1. Adopt a corporate seal.
2. Contract and be contracted with.
3. Sue and be sued.
4. Purchase, receive, hold, make and take leases of, and sell real and personal property, for the benefit of the state and for the use of the institutions under its jurisdiction."

California. Sec. 22604 of the Education Code, 1961, reads in part as follows:

"On and after July 1, 1961, the Trustees of the California State Colleges shall have full power and responsibility in the construction and development of any state college campus, and any buildings or other facilities or improvements connected with the California State Colleges..."

Colorado. Article IX of the Constitution of Colorado, Sec. 12, provides for the election of regents of the University of Colorado and constitutes it a body corporate. Section 14, ibid., reads as follows:

"The board of regents shall have the general supervision of the university, and the exclusive control and direction of all funds of, and appropriations to, the university."

Delaware. Sec. 5106 of Title 14, Delaware Code Annotated, relating to the University of Delaware, reads as follows:

"The Board of Trustees shall have entire control and management of the affairs of the University. The Board may exercise all the powers and franchises of the University, appoint and remove all subordinate officers and agents, and make by-laws as well for their own government as that of the University."

Iowa. Sec. 262.7, Iowa Code Annotated, reads in part as follows:

"The state board of education shall govern the following institutions:

1. The state university of Iowa.

2. The college of agriculture and mechanical arts...

3. The Iowa state teachers college..."

Sec. 262.9, ibid., reads in part as follows:

"The board shall: ...

4. Manage and control the property, both real and personal, belonging to such institutions.

5. With the approval of the executive council, acquire real estate for the proper uses of said institutions, and dispose of real estate belonging to said institutions when not necessary for their purposes...

7. Direct the expenditure of all appropriations made to said institutions, and of any other moneys belonging thereto..."

Maryland. Sec. 249(e), Article 77, Annotated Code of Maryland, reads in part as follows:

> "...the Board of Regents shall exercise with reference to the University of Maryland, and with reference to every department of same, all the powers, rights, and privileges that go with the responsibility of management, including the power to conduct or maintain such departments or schools in said University and in such localities as they from time to time may deem wise..."

Michigan. In Article XI of the Constitution, Sec. 3 establishes a board of regents of the University of Michigan, Sec. 4 constitutes it a body corporate, and Sec. 5 provides in part as follows:

> "...The board of regents shall have the general supervision of the university and the direction and control of all expenditures from the university funds."

Missouri. Sec. 172.020 of Missouri School Laws, 1960 reads in part as follows:

> "The university is hereby incorporated and created a body politic, and shall be known by the name of "The Curators of the University of Missouri," and by that name shall have perpetual succession, power to sue and be sued, complain and defend in all courts; to make and use a common seal, and to alter the same at pleasure; to take, purchase and to sell, convey and otherwise dispose of lands and chattels; to act as trustee in all cases in which there be a gift of property or property left by will to the university for its benefit or for the benefit of students of the university; to condemn and appropriate real estate or other property, or any interest therein, for any public purpose within the scope of its organization..."

Virginia. Sec. 23-69, Virginia School Laws, 1958, reads as follows:

> "The board of visitors of the University of Virginia shall be and remain a corporation, under the style of "The Rector and Visitors of the University of Virginia", and shall have, in addition to its other powers, all the corporate powers given to corporations by the provisions of Title 13, except in those cases where, by the express terms of the provisions thereof, it is confined to corporations created under such title; and shall also have the power to accept, execute and administer any trust in which it may have an interest under the terms of the instrument creating the trust. The rector and visitors of the University of Virginia shall be at all times subject to the control of the General Assembly."

Washington. Sec. 28.77.130 of the Revised Code of Washington reads in part as follows:

> "The board of regents may adopt bylaws or rules and regulations

for its own government. The board of regents shall:

> (1) Have full control of the university and its property of various kinds...
>
> (8) Expend such portion of the income of the university fund as it may deem expedient for the purchase of apparatus, library, and cabinets of natural history, providing suitable means to keep and preserve the same, and in the procurement of other means or facility for instruction." (emphasis added)

Wyoming. In Sec. 70-101, Wyoming School Laws, 1958, there is provision establishing the University of Wyoming, and the object of it is stated in Sec. 70-102 in part as follows:

> "...to provide an efficient means of imparting to young men and women...a liberal education, together with a thorough knowledge of the various branches connected with the scientific, industrial and professional pursuits..."

Sec. 70-104 provides that the government of the University shall vest in a board of twelve trustees to be appointed by the Governor, and Sec. 70-106 defines their powers, in part, as follows:

> "The board of trustees and their successors in office shall constitute a body corporate by the name of the 'Trustees of the University of Wyoming.' They shall possess all the powers necessary or convenient to accomplish the objects and perform the duties, prescribed by law, and shall have the custody of the books, records, buildings and all other property of the university..." (emphasis added)

In further analysis of the twelve classifications given above, Class 2: State and State Board of Higher Education, and Class 6: Local Board of Adult Education, can also be eliminated from a detailed consideration, inasmuch as they do not relate to elementary and secondary public schools, the limit of the scope of this study. But a State board of higher education and a local board of adult education are both created by a State legislature to accomplish certain purposes in the educational program of the State. In this respect they are like other public organizations or agencies, as discussed above, and are subject to the same kind of legislative regulation. But in a determination of their authority to establish and operate an educational television station, attention should not be directed primarily to the instructional tool employed by them to give instruction in an effective way, however novel that tool may be. Attention should be directed more to the powers given to them by the legislature to control activities and property, including State appropriations and local tax revenues, in the name of the State and in fulfilment of the function assigned to them.

This is the basis for analysis in the three remaining classes: State boards of education, State departments of education, and local boards and school districts. In the following pages reference will be made to laws of the several States which authorize agencies or officials in these classes to establish and operate such television stations, or which grant powers in such broad general terms as to suggest that they could probably serve as authority for these purposes.

When these laws are considered, reference should be made to Chapter II, *ante*, for information concerning the general plan of the State for dividing powers at the top level and at operating levels of the educational structure. This may have a bearing upon the *probability* of successfully relying upon a general grant of powers for authority to perform the acts here under consideration. Reference should also be made to Chapter III, *ante*, for the full text of laws relating specifically to educational television.

No reference will be made below to powers of State superintendents, except in the case of those States which have no State board with control powers, or unless special powers have been given to them otherwise. Likewise no reference will be made to county or local superintendents, except in a few cases where a county superintendent has a statutory duty connected with television. In general superintendents at all levels are subject to board control, and they act administratively.

ALABAMA. Code of Alabama, Recompiled 1958, Title 52, 1959 Pocket Part. Powers. yes

Here the pattern of authority has already been set by the Legislature and there will probably be no occasion to attempt any deviation from it. By Sec. 627 the Alabama Educational Television Commission was established to fulfill a special function for the State. Sec. 631 directs it to control and supervise the use of all educational channels, and authorizes it to designate the location of stations and to make regulations for their operation and for programs on them. The same section authorizes it to own stations (implying power to buy or construct), to operate them, or to contract with others to operate them. Sec. 632 authorizes it to execute all necessary contracts and to accept gifts or grants from any source, including Federal or other government agency and board of education. Specific

This Commission is shown as licensee of the stations already operating in the State, but the location of stations shown in the Directory 1962 suggests that some operational activities might be carried on by colleges and an association. This could be arranged by contract under Sec. 631.

The State board of education might perhaps have authority, under its general control powers, Sec. 14, to participate in a contract on behalf of the State department of education (which executes policies, Sec. 3) to operate a station for the Commission and for the benefit of the public schools. If a county board attempted to enter such a contract, under its control powers of Sec. 62 and contracting powers of Sec. 99, it would have to be with approval general of the State board, Sec. 14, annotations. The same is true of a city board if it sought an operating contract under its management and administration powers of Secs. 158 and 166.

ALASKA. Compiled School Laws, State of Alaska, July 1961. Powers yes.

Sec. 31 gives the State board of education supervision of the public school system. Sec. 32 gives it certain additional powers and duties including authority "to perform all other acts necessary for the efficient and economic administration of the rural schools."

Boards of incorporated school districts "shall have the exclusive management and control of all school matters in the district" subject to regulations of the commissioner of education, Sec. 61. Sec. 80 authorizes a city school board to do and perform everything necessary for the due maintenance of a proper school", but it is also subject to regulation. Powers of these two kinds of boards are not elaborated and there is considerable statutory evidence of central control. Powers in smaller districts are even more restricted.

If any action were taken to establish and operate a station, it appears that it would certainly be at the State level and that the State board would have to rely on its general powers in Secs. 31 and 32. General

ARIZONA. Title 15, Arizona Revised Statutes, 1960. Powers yes

Sec. 102 directs the State board of education to "exercise general supervision over and regulate the conduct of the public school system"; also to determine policy and work of the board, and to direct the work of the "executive officers of the board", that is, officers in the State department of public instruction, "when not prescribed by law". It also must make plans for the management of the State school fund and accomplishment of purpose of the board and present plans and budget to the Legislature.

The board of trustees of common school districts shall "manage and control the school property" and shall "purchase school...apparatus, equipment...and supplies for use of the schools", Sec. 15-445. The board of education of a high school district has the same powers, Sec. 15-545. Both have adequate management powers, but not expressed in broad terms, and both must report budget requirements through the county superintendent, Sec. 15-1201, a control point for finances.

If a television station were established for the public schools, it evidently could not be at a local level, but might perhaps be at the State level under the general powers of the State board, Sec. 102. General

The two stations now in the State are owned by and licensed to boards of regents of colleges (see list above). They might supply programs for public schools on a contract basis. School districts would have authority to pay for such services if funds were provided.

ARKANSAS. Title 80, Arkansas Statutes Annotated, 1947, with 1961 Cumulative Pocket Part. Powers yes

Sec. 80-3901, enacted in 1961, establishes the Arkansas Educational Television Commission, obviously modeled after the Alabama Educational Television Commission except for size and tenure of membership. Sec. 80-3905 describing powers and duties of the Arkansas Educational Television Commission is apparently word for word the same as the section in Alabama laws describing the Alabama organization, except for change of names. The discussion on the Alabama statute applies here. The control pattern has been clearly set, but no stations have been licensed. Specific

The powers of the State board of education to exercise general supervision over the public schools and to take other action to increase their efficiency, Sec. 80-113, might perhaps be invoked to contract with the Commission for some activities in operating a station, but hardly for establishing one, both functions being under complete control of the Commission.

general

There seems to be no probability of participation by any local school board in operations.

CALIFORNIA. Education Code, 1961, Vols. 1 and 2.

Powers? Yes.

Legislation relating to the Television Advisory Committee, to the Television Co-ordinator, and to activities connected with them, was enacted in 1961 and was to become effective "on the date when Federal grants in aid for educational television first become available to public agencies in this State", Stats. 1961, Ch. 2065, Sec. 2. Inasmuch as recent Federal legislation for this purpose has been approved by the President and is now law, it will be assumed that the condition has been adequately fulfilled to bring into force the California legislation, inasmuch as procedures prescribed by it for actually applying for such a grant are dependent upon the prior appointment of the Co-ordinator to review and coordinate applications.

Sec. 8871 creates the Television Advisory Committee in the Department of Finance - not the Department of Education. It is directed to provide "advise and guidance" to the Television Co-ordinator, Sec. 8873, whose office is established - also in the Department of Finance - by Sec. 8874.

Under Sec. 8875, the Co-ordinator is directed to make a plan for educational television for the State. He is also directed to (1) act as the official agency for processing applications for Federal grants for this purpose, and for receiving and distributing such funds; (2) recommend to the appropriate Federal agency the allocation of educational channels; (3) coordinate activities of public and non-profit organizations concerned with educational television; and (4) serve as clearing house for information on the subject. But, in the absence of Federal legislation to the contrary, the Board of Regents of the University of California and other applicants need not submit requests for aid through him if funds are to be used for purposes other than capital outlay.

Pursuant to Sec. 8876 he shall not have jurisdiction over content of programs.

Specific

Sec. 8877, a part of the same basic legislation but dealing with a different aspect of the program, reads as follows:

> "All applications for television transmission licenses submitted for or on behalf of any school districts, state college, or the University of California shall be submitted to and be reviewed by the co-ordinator before being submitted to the Federal Communications Commission." (emphasis supplied)

Sec. 8878 requires that all applications on behalf of any school district either for a transmission licenses or for federal funds for educational television shall first be submitted to the department of education.

Sec. 8857 reads as follows:

> "The governing board of any school district or the county superintendent of schools acting with its permission and on behalf of such a board, or boards, may enter into contracts, either alone or in co-operation with other school districts, for the purpose of participating in or the procuring of television broadcasts for use in the educational program of the schools.
>
> "The governing board of any school district or the county superintendent of schools, either alone or in co-operation with other school districts or other county superintendents of schools, may purchase broadcast time over, and may own, lease, and operate, television transmitting facilities for use in providing instructional services, teachers' inservice educational services, which the governing board or the county superintendent of schools

> is otherwise authorized to provide, and may provide necessary services in connection therewith. The governing board of a school district or the county superintendent of schools which is the owner or lessee of television transmitting facilities may sell broadcast time, on a reimbursement basis, to any other school districts or county superintendent of schools for instructional services and teachers' inservice educational services upon such terms as are mutually agreed upon.
>
> "The governing board of a school district and a county superintendent of schools may accept grants-in-aid from any public or private source in carrying out the purposes of this section.
>
> (Amended by Stats. 1961, Ch. 656. In effect June 2, 1961.)"

Sec. 23624, also added in 1961, authorizes the trustees, on behalf of any State college, (1) to enter contracts for participating in, procuring, or transmitting television broadcast, (2) to purchase broadcast time, (3) to own, lease and operate transmitting facilities for educational television, and (4) to provide necessary services connected therewith.

Sec. 262 authorizes the director of education (i.e., the superintendent of public instruction) to "conduct experimental work in education through various media, including radio and visual"; and Sec. 263 authorizes him to "develop audial and visual curriculum materials, evolve means and methods,...for the use of such materials in the public elementary and secondary schools."

The State board of education "shall determine all questions of policy within its powers", Sec. 151, make rules and regulations, Sec. 152, make plans for improving the schools, Sec. 153, issue subpenas for witnesses at hearings, Sec. 155, adopt a seal, Sec. 156, order the printing of books, Sec. 157, and make recommendations to the legislature, Sec. 158. There is practically nothing else of a general character, except governing the department of education, Sec. 352, and nothing from which powers could be clearly implied for the board or for the department of education to establish and operate a television station.

The powers of the State superintendent, referred to above, would afford only scant support for such an implication for any large program.

The State Legislature has shown most meticulous specificity in enacting the education code. This is by far the largest collection of such laws in the United States. The absence of clear authority for organizations or officials at the top level fortifies the conclusion that the Legislature has determined that the functions and authority it has given to county superintendents, school districts, the University of California, and State colleges to establish and operate stations should be considered exclusive.

This is a reasonable division of labor, and in so far as the county superintendents and the local school boards are concerned, the costs can be met in substantial part by State appropriations to the County School Service Fund. Coordination of programs and avoidance of waste and overlapping can be met by authority given to the Television Co-ordinator and the department of education to pass upon applications, as described above.

Some local participation to meet costs in some part of the program is obviously anticipated. Sec. 2053 of the California Administrative Code, Title 5, provides that the cost of equipment for broadcasting systems and television shall not be included in State grants for school building construction. Also provisions relating to the use of the County School Service Fund specify that proceeds from local taxation must also be used.

Significantly, the stations now in operation in California are owned by and licensed to organizations which appear to be private - at least not part of the school hierarchy.

COLORADO. School Laws of the State of Colorado, 1956; School Laws Enacted, 1957, 1958, 1959, 1961.

Powers
yes

Article IX, Sec. 1 of the Constitution provides that the "general supervision of the public schools of the state shall be vested in a board of education whose powers and duties shall be as now or hereafter prescribed by law".

Sec. 123-1-5 of School Laws provides in part:

"The state board of education is hereby vested with such powers and duties as are necessary for carrying the responsibility of general supervision of the public schools of the State, as provided in section 1, article IX, of the constitution which shall include the following powers and duties:...

> (2) To make, adopt, and promulgate the educational policies of the state department of education...
>
> (3) To make and adopt such rules and regulations as are necessary for the general supervision of the public schools, for the equitable distribution of such funds as are available to the state department of education for distribution;....
>
> (4) The state board may approve and authorize the creation of divisions, the transfer between divisions of functions and personnel, and the abolition of existing divisions....
>
> (9) To distribute state and federal apportioned school funds to counties and school districts which comply with education laws and rules and regulations of the board..." (emphasis added)

Sec. 123-1-3: the department of education "shall consist of the state board of education...the office of commissioner of education, and such other divisions...as are or may be provided by law or by order of the board and the commissioner..." No duties or powers are specified.

Since January 1956 station KRMA-TV has been operating in Denver on Channel 6. The owner is Denver Public Schools, and the licensee is School District #1, City and County of Denver. In the official file of the Federal Communications Commission for this station there is a letter of February 27, 1953, to the Commission from Mr. S. Arthur Henry, of the law firm of Henry & Adams in Denver, Colorado, giving a legal opinion that under provisions of Colorado laws this school district had legal authority to construct and operate an educational television station.

The provision of law relied upon principally was Sec. 15, Article IX, of the State Constitution, which reads as follows:

> "The general assembly shall, by law, provide for organization of school districts of convenient size, in each of which there shall be established a board of education, to consist of three or more directors to be elected by the qualified electors of the district. Said directors shall have control of instruction in the public schools of their respective districts." (emphasis added)

Another statute cited, which now appears in Sec. 123-10-3, subsec. (4) gives to the boards of first class districts, such as Denver, and second class districts, all the powers given to the electors of third class districts, as specified in Section 123-10-51. One of those powers cited, and now appearing in Sec. 123-10-51, subsec. (5), reads:

> "To transact generally such business as may tend to promote the cause of education, in accordance with the provisions of this law."

Still another section cited, and now appearing in Sec. 123-10-24 relates to additional powers of boards of first class districts. They are authorized to establish and maintain out of school funds continuation schools, part-time schools, evening schools, schools for aliens, or other opportunity schools, open air schools, playgrounds and

museums, and to provide instruction in and employ special teachers for "such subjects" as music, drawing, manual training, household economics including the care of children, vocational and industrial subjects, and subject for the training of such special teachers.

This was referred to in the opinion in order to indicate the broad field of activities which the Legislature thought appropriate for the authority of the board of a first class district.

Citations were also given, not referred to here, showing the taxing power and authority to issue bonds for the support of school activities. Actually, bonds were issued by this school district, upon a favorable vote of the taxpayers, to finance the construction and operation of the television station which is still being used.

Smaller school districts without the broad powers of a first class district might not have this authority. In all cases, of course, and in all States provisions relating to the raising of funds would be immediately relevant. Obviously many smaller school districts would be automatically eliminated from consideration on this basis.

If authority to establish and operate a television station can be implied on behalf of the Denver school district, from the broad terms used in the statutes cited, it might be possible to imply like authority, on behalf of the State board of education, from the broad terms of the statutes describing its powers. It does not have power to tax or to issue bonds, as the school district does, but it might obtain appropriations from the legislature for this purpose and create a division for establishing and operating such a station in the department of education. In effect, this would require prior approval of the project by the Legislature. The department of education would have no authority of its own under Colorado law.

general

CONNECTICUT. Laws Relating to Education, 1959, and 1959 Supplement.

Powers
Yes

Sec. 10-4 provides that the State board "shall have general supervision and control of the educational interests of the state... shall keep informed as to the condition and progress of said schools and shall seek to improve the method and promote the efficiency of teaching therein by holding,...meetings of teachers and school officers for the purpose of instructing in the best modes of administering, governing and teaching public schools and by such other means as it deems appropriate and shall perform such other duties as are specifically imposed upon it by law..." Other duties relate to standardizing reports and procedures and reporting to the governor.

Sec. 10-11a reads: "The state board of education may, within the provisions of section 4-87, allocate and use any appropriation or special fund to meet the matching requirements of the federal acts making funds available to the state for educational purposes."

Sec. 10-220 relates to local boards of education. It reads in part as follows:

> "Boards of education shall maintain in their several towns good public elementary and secondary schools and such other educational activities as in their judgment will best serve the interests of the town...shall make a continuing study of the need for school facilities... and from time to time make recommendations based on such study to the town; shall have the care, maintenance and operation of buildings, lands, apparatus and other property used for school purposes...and shall perform all acts required of them by the town or necessary to carry into effect the powers and duties imposed upon them by law."

A regional board of education has the same powers as local boards, Sec. 10-47, and has some more extensive fiscal powers.

Sec. 10-240 provides that each town shall maintain the "control of all the public schools within its limits". Sec. 10-241 provides that each school district shall be a body corporate, with power to sue and be sued, to purchase, receive, hold and convey real and personal property for school purposes, to build, equip, purchase and rent schoolhouses and supply them with fuel, furniture and other appendages and accommodations, lay taxes and borrow money for the purposes set forth in the statute.

In Connecticut the school board has somewhat more autonomy than in some States. In case of unusual expenditures to be met, such as for buildings requiring an increase in taxes or issuance of bonds, a popular vote is required.

Subject to such a popular vote, the larger school districts might have implied authority under the statutes cited to establish and operate an educational television station. The State board is perhaps less active than in some States, and while its general authority is fairly broad, it might be less likely to seek to take similar action on its own initiative, especially since the department of education, through which it would have to operate, is only incidentally implied as an entity and has received no grant of powers to serve as an instrumentality of the State board. The State board already has power to allocate funds to school districts on a matching basis, without procedural complications.

general

DELAWARE. Title 14, Delaware Code Annotated, 1953, with 1960 Cumulative Pocket Part, 1960; School Laws of Delaware, 1961.

Sec. 101(a) The general administration and supervision of the free public schools and of the educational interests of the State shall be vested in a State Board of Education...This is more or less descriptive.

Powers
Yes

Sec. 121, prescribing powers, reads in part:

> "The Board shall exercise general control and supervision over the public schools of the State, including...

(2) The determination of the educational policies of the State and the seeking in every way to direct and develop public sentiment in support of public education...

(8) The conducting of investigations relating to the educational needs of the State and the means of improving the educational conditions; and for such investigations the employment of additional expert assistants and the appointment of special agents when deemed advisable...

(10) The causing of the provisions of this title to be carried into effect, so as to provide a uniform, equal and effective system of public schools throughout the State..."

Sec. 124 reads in part:

"All property, estate, effects, money, funds, claims and state donations which were on March 31, 1921, vested by law in the free public school authorities of any county or school district, other than the authorities of any Special School District or the City of Wilmington, for the benefit of the free public schools of such county, shall continue under and be subject to the control and management of the Board, for the use of the free public schools of such county, other than those of Special School Districts and the City of Wilmington..."

Boards of trustees in ordinary school districts have only custodial powers, Sec. 711, and need not be considered here. They are under direct control of the State Board which exercises some operational and all supply powers with respect to them.

Larger districts, called Special School Districts, have greater power.

Sec. 902. "In each Special School District of the State there shall be a Board of Education which shall be responsible for the general administration and supervision of the free public schools and educational interests of the District."

The duties and powers of the board, subject to regulations of the State board, are described in Sec. 941 in part as follows:

> "(1) Determine the educational policies of the District and prescribe rules and regulations for the conduct and management of the schools...

> (2) Grade and standardize all the schools under their jurisdiction and may establish kindergartens and playgrounds and such other types of schools, subject to approval of the State Board of Education, as in its judgment will promote the educational interests of the District.
>
> (3) Adopt courses of study for the schools...
>
> (4) Select, adopt, purchase and distribute free of charge such text books, supplementary readers, maps, globes and charts, materials of instruction, stationery and school supplies, school furniture, educational equipment, apparatus and supplies as are necessary to the work of the schools..."

Sec. 942 reads in part:

> "(a) All property, estate, effects, money, funds, claims and State donations heretofore vested by law in the public school authorities of any Special School District, for the benefit of the free public schools of such District, shall be under the control and management of the Board of Education of such Districts..."

All school districts may levy and collect additional taxes for school purposes, Sec. 1902, according to a procedure prescribed.

Sec. 2102 reads:

> "The School Board of any District may issue bonds for the purpose of carrying out any plan or program for the acquisition of lands or the acquisition or construction of buildings as may be authorized by the provisions of this title when such plan or program shall have been approved by the State Board of Education."

Authority could probably be implied from these several powers to enable the board of a special school district or the district itself to establish and operate a television station.

Similar authority might be implied from the powers of the State board, especially inasmuch as it has operational responsibility for the smaller districts, unlike most State boards. No power of the State department of education is mentioned, and it would not figure except as the operating staff for the State board. general

FLORIDA. Florida School Laws, 1961. Powers yes

Sec. 246.03 establishes the Florida Educational Television Commission. It is to operate under the control and supervision of the State board of education, Sec. 246.05. It is a body corporate, may Specific contract, sue and be sued, make, seek and receive donations and bequests, Sec. 246.06. Sec. 246.08 authorizes it to *establish* a television network connecting communities ~~as~~ with stations as determined by the State board of education. It is intended primarily for instruction of students at junior colleges, colleges and universities, *ibid*.

Sec. 246.09 authorizes it to encourage (1) the activation of unused channels, (2) the extension of network facilities, (3) the coordination of the educational television system in Florida with systems in other states, and (4) the further development of educational television within the State.

Sec. 246.10 reads: "The commission is authorized to act as *advisor and consultant* to educational television stations and programs whether supported by *state*, *county*, *city*, or *private funds*." (emphasis added)

It is required to cooperate with and assist all local and State educational agencies in making surveys on this medium, Sec. 246.11, and to make reports of receipts and expenditures, Sec. 246.12. Donations are paid into the State treasury and are re-appropriated for the use of the commission, *ibid*.

The State board, which consists of the governor, the secretary of State, the attorney general, the State treasurer and the superintendent of public instruction, Sec. 229.15, shall determine and adopt policies necessary for the more efficient operation of any phase of public education, Sec. 229.07, subsec. (1), and it has power to perform such duties and exercise such responsibilities as are assigned to it by law or *as it may find necessary for improvement of the State system of public education*, *ibid*., subsec. (4).

Sec. 229.08, describing at length its duties and responsibilities, authorizes it to administer the State school trust fund (subsec. 5), to adopt a budget to present to the legislature (subsec. 8), to approve plans for cooperating with the Federal government in administering grants from Congress (subsec. 10), to cooperate with all agencies for the improvement of schools (subsec. 11), to provide for proper administration of and to determine policies governing the operation of all institutions, agencies, and services directly under the control of the board (subsec. 13), to adopt long-time programs for developing the State system of public education based upon special studies, surveys, and recommendations submitted by the State superintendent (subsec. 21), and to assume such other responsibilities and exercise such other powers and perform such other duties as are assigned to it by law or as it may find necessary to aid in carrying out purposes and objectives of the school code (subsec. 23).

This seems to indicate ample general power from which authority to establish and operate a television station might be implied. However, it is not likely that the State board would use it on its own behalf, by reason of the nature of its membership and for other reasons. Part of the function of supplying television service to the community has already been provided for by the State Legislature through the creation of the television commission, which is placed under the direct control of the State board. But the State board would seem to have authority to direct establishment of a special section in the department of education for the purpose of establishing and operating a station, if that seemed appropriate in developing the State-wide network.

general

Station WTHS-TV in Miami, Florida, is owned and operated by the Dade County Board of Public Instruction. The files on this station in the Federal Communications Commission show that the following sections of the school code were cited as authority for the county board to establish and operate a station: 230.04, 230.05, 230.06, 230.11, which relate to jurisdiction and organization of the board and to procedures, and 230.21, 230.22 and 230.23, which relate to powers.

Under Sec. 230.03 it has responsibility for the organization and control of the public schools of the county. The board is a corporation, Sec. 230.21. Its general powers, subject to consideration of recommendations of the county superintendent, are described in Sec. 230.22. They include power to determine policies, make contracts, and perform duties and other activities it may find necessary for improvement of the county school system.

Other duties and powers are described in Sec. 230.23. These include power to (2) control property, receive, hold in trust and administer property, money, given to the schools of the county; (3) adopt school programs and make surveys for annual and long-range planning; (4) adopt and provide for the execution of plans for the establishment, organization, and operation of the schools of the county; (7) adopt courses of study, and "provide such other teaching accessories and aids as are needed to carry out the program"; (10) adopt resolutions suggesting tax levies, keep account of school funds, borrow money, contract for materials, supplies and services.

These several sections provide ample justification for implying authority to establish and operate an educational television station. All counties operate under these same laws in the county unit system used in Florida, and all county boards would therefore have the same power, subject to control by the State board.

Other stations operating in Florida are licensed to universities or their representatives or to private organizations.

GEORGIA. Georgia School Laws, 1958; Georgia Code Annotated, Title 32, with 1961 Supplement Pocket Part.

Powers ? uncertain

It is difficult to determine whether the present powers of some educational organizations in Georgia could be interpreted to imply authority to establish and operate educational television stations. The school laws seem to relate more to routine operation of schools, and powers are not expressed so much in broad terms as with reference to specific activities. There is evidently considerable central control exercised from the top level through regulations, budgets, allocations, and supply systems. The county district is not a corporate body, and neither is the county board. Taxing authority is in the municipal officials. It does not seem likely that a county board could find authority under its powers to establish and operate a station .

There is similar uncertainty concerning the exact source of such authority for the State board. It is established by Section II of Article VIII of the 1945 Constitution, which provides that it "shall have such powers and duties as provided by law and existing at the time of the adoption of this Constitution, with such further powers and duties as may be hereafter provided by law". Section 32-401 of the School Laws has the same indefinite provision.

Sec. 32-408 reads:

> "The State Board of Education shall provide rules and regulations for the supervision of all public schools of this State; they shall provide a course of study for all common and high schools receiving State aid and may, in

> their discretion, approve additional courses of study set up by the local units of administration; provide for curriculum revisions and for the classification and certification of teachers. They shall make such rules and regulations as may be necessary for the operation of the common schools and for the administration of the common school fund."

Under Sec. 32-409 the board is required to prepare and submit to the Governor and the General Assembly an estimate of funds necessary for the operation of the State public school system.

Perhaps the most suggestive source of authority, from the standpoint of developing educational television with the help of Federal grants is found in Sec. 32-413, which is very long and involved. The first paragraph reads as follows:

> "Said Board is hereby authorized and empowered to receive, accept, hold and operate, on behalf of the State of Georgia, donations, grants, gifts, devises and bequests of real, personal and mixed property of every kind and character, to lease, manage and otherwise administer the same for the use, benefit and behoof of the common school system of Georgia, and to accept on behalf of the State of Georgia any funds which may be now or hereafter provided for, or be or hereafter become available or allotted to the State of Georgia by virtue of any appropriation by Congress or under any governmental regulation, order or declaration of policy for either vocational or other educational, purposes conducted either in or out of school in connection with, or as an incident of, any program of vocational education now or hereafter established as essential to national defense either for industrial or agricultural occupations, and whether as part of a Federal or a State program or a combination of both, in furtherance of vocational educational objectives generally; and said Board is authorized and empowered to acquire and hold title for and on behalf of the State of Georgia, for the benefit of the common school system thereof, any equipment and/or supplies, both permanent and expendable, that may be necessary for such purposes, and to act as the contracting agent therefor and the custodian thereof, and to delegate, in whole or in part, any function or activity enumerated or contemplated hereunder, and to contract with and cooperate with any department, agency or instrumentality either of the State of Georgia or of the United States, in any manner which shall be requisite or incident hereto, which in the judgment of said Board may be deemed proper for the carrying into effect of the purposes of this Chapter, and to use so much of the common school fund or other funds appropriated by the General Assembly as may be necessary to match any such Federal aid, or to meet the terms of any past,

accept
gifts
/ Federal funds

> present or future grant to the State or any local school unit whereby the same respectively may be enabled to derive full advantage of the benefits thereof to the State of Georgia as contemplated under the terms and provisions of any such grant for educational purposes; no funds shall be used to meet any past or future grant to the State but shall be available only for any present grant now available."

Authority to establish and operate a station might be implied from some of these terms, which give a wide range of choice.

general ?

Application was filed by the Georgia State Board of Education for a station at Waycross, Georgia, WXGA-TV, and a construction permit was granted. However, apparently it has not been licensed yet, and the official file was not available to determine the legal authority cited. The State board is an agency of the State, in charge of the educational system, and authority for this purpose which is clearly within its general field of responsibility may have been implied from those facts alone.

Station WETV in Atlanta is owned and licensed to the Board of Education of the City of Atlanta, which is independent of the county system referred to above. The city board made formal resolution to authorize its president to file application for a license with the Federal Communications Commission. The application contains only the following indication of legal authority:

> "The Board of Education of the City of Atlanta acts under authority of the charter of the City of Atlanta. The authority and responsibility of the Board are to be found in sundry acts of the General Assembly amending the charter of the City of Atlanta and providing the State Compulsory Education Law.
>
> "Under the acts the Board of Education has complete authority to operate an educational system in Atlanta and it is the opinion of the Board that this is sufficient to construct and to operate a TV station for educational purposes."

This opinion was evidently shared by the Federal Communications Commission. The station has been in operation since February 1958.

HAWAII. Revised Laws 1955, 1960 Supplement to R.L.1955, and Session Laws, 1961.

In Hawaii, operational control of all schools is exercised from the top level, so that no local school organization would have authority to establish and operate a station.

Powers
yes

Act 182, 1961, amending Ch. 37, R.L. 1955, Sec. 37-2 provides:

> "There shall be a principal executive department to be known as the Department of Education which shall be headed by an executive board to be known as the board of education. The board of education shall have power in accordance with law to formulate policy and exercise control over the public school system through its executive officer, the superintendent of public instruction."

R.L.1955, Sec. 40-2, reads in part as follows:

> "The Department of Education shall have entire charge and control and be responsible for the conduct of all affairs pertaining to instruction. The department shall regulate the courses of study to be pursued in all grades of the public schools and classify them by such methods as it shall deem proper..."

R.L.Supp. 1960, Sec. 14-A-17: "Under policies established by the Board, the Superintendent shall administer programs of education and public instruction throughout the State", including several different kinds mentioned, "and such other programs as may be prescribed by law".

R.L.1955, Sec. 39 1-2, provides that the salaries of the superintendent, teachers, office force and all other employees of the Department of Education and all items of general expense, including books, materials, supplies and equipment shall be included in the departmental estimate in such form and detail as the director of the bureau of budget shall require. This would be the basis for legislative action appropriating State funds and approving any proposed allocation of funds for television.

general

R.L.1955, Sec. 37-16 provides that the Board of Education is designated as administrator of such funds as may be allotted to the State under the provisions of federal legislation for public educational purposes, and directs it, subject to any limitations imposed by Congress, to use and expend such funds (a) to improve the program of the public schools...(e) to provide for the purchase of supplies, apparatus and materials for public schools, and (f) for any such purposes and to such extent as shall be permitted by the Acts of Congress concerned.

From these powers it is reasonable to imply authority in the State board to establish and operate a station, but it would probably direct the department of education to operate it and perhaps to apply for the initial license. The department could not take the initiative without authority of the board.

IDAHO. Title 33, Idaho Code, 1948, with 1961 Cumulative Pocket Supplement.

Powers yes

Sec. 33-101 creates a state board of education "for the general supervision, government and control of the public schools of the state". It has broad powers. Pursuant to Section 33-113, the board exercises supervision and inspection over all departments of public education, studies the educational conditions and needs of the State, approves changes, recommends changes to the Legislature or new legislation. It prepares the budget and directs and controls all expenditures of funds appropriated for the maintenance and improvement of state educational institutions. It supervises, directs and controls all plans and specifications for such improvements, including equipment, fixtures, apparatus and supplies. It prescribes minimum courses of study, regulates the adoption of textbooks, has general supervision of the work of the county and city superintendents, supervises, governs, and directs normal schools and teachers' institutes, supervises and controls certification of teachers, supervises, governs, and directs the state library board, establishes standards for elementary schools and accreditation of secondary schools. Other powers could be cited, but it is not deemed necessary.

This is a much broader range of power than most State boards have, and from it authority to establish and operate a television station could very reasonably be implied. The board might direct that the department of education operate it. But inasmuch as the State board of education is also the board of regents of the University of Idaho, it would probably direct that an organization within the University operate the station. general

The school districts have reasonable control and supply powers, but no authority to establish and operate a station could be implied from them. They are subject to specific restrictions in the exercise of discretion (e.g., adopting a course of study, prescribing certain examinations, adopting textbooks, Sec. 33-522, as amended). But, even more to the point, Sec. 33-721 provides:

> "All school districts shall be under the supervision of the state board of education and board of regents of the University of Idaho, and all questions of management, support and control arising under provisions of this act, and not expressly provided for herein, shall be subject to the determination of said state board of education and board of regents of the University of Idaho, and they are hereby expressly authorized and empowered to take such action as may be necessary for the management, support and control of any school districts."

ILLINOIS. Smith-Hurd Illinois Annotated Statutes, Chapter 122, Schools, 1959; Smith-Hurd Illinois Statutes, School Code of 1961. ?

In Illinois there is no State board of education or anything corresponding to it. Likewise, there is no constitutional department of education, or any statutory organization corresponding to it, created by the State Legislature, and thereby recognized as an official agency of the State. Instead, there is a staff, very considerable in size, which functions as the Office of the Superintendent of Public Instruction, the official in whom are concentrated all the central control powers for the educational system of the State.

The Superintendent of Public Instruction is elected to office for a four-year term, Sec. 2-1, and he has the powers and duties enumerated in the several sections of Article 2 of the School Code, Sec. 2-3. Some of these powers are: to supervise all the public schools in the State, Sec. 2-3.3; to counsel with teachers concerning the conduct of schools, Sec. 2-3.4; to advise and assist county superintendents in the performance of their various duties, Sec. 2-3.5; to make rules for uniform application of laws concerning the establishment and maintenance of free schools in the State, Sec. 2-3.6; to serve as legal adviser to school officers, Sec. 2-3.7; to hear and determine controversies, Sec. 2-3.8 to grant and suspend teachers' certificates, Sec. 2-3.9; to make a report biennially to the Governor, giving full information concerning the whole range of school activities and suggestions for promoting education throughout the State, which report shall be submitted to the General Assembly, Sec. 2-3.11. There are also many powers specified, but perhaps two are more significant than the others.

Sec. 2-3.25 authorizes him to determine and enforce various standards for schools throughout the State with respect to plant, supplies, equipment, teaching, curriculum, and other activities.

Sec. 2-3.26 is also significant for the present analysis:

> "For the purpose of promoting and coordinating school programs for which federal allotments are available, to cooperate with the United States Department of Health, Education, and Welfare in the establishment of such standards as may be deemed necessary by the Superintendent of Public Instruction, and to accept and expend federal funds made available for such purpose."

In spite of such an enumeration of powers and implications of authority for other activities which might be made from them, it does not seem likely that the Superintendent of Public Instruction would seek to exercise authority to establish and operate television stations. He is a single official elected to office, and in case of his death or removal from office there would be a lapse of authority pending the qualification of his successor. This could not occur in the case of a state board, with members of overlapping tenure, or in the case of a department of education, as in most other States, declared to be a continuing agency of the State. He could use his authority, however, to assist in the establishment and operation of such a station by some other agency.

The most likely vehicle for this purpose, in so far as the official school organization is concerned, would be a large school district with adequate financial support from local and State sources to match Federal funds. The school districts are perpetual, and some of them and their boards have substantial powers and financial support. But it appears that neither a small district nor a large one would have authority.

The Legislature authorized in Sec. 10-22.30 all school boards to enter into contracts, alone or with other boards, to participate in or procure television broadcasts for educational purposes. Here the authority ends for most of them.

Sec. 34-18, enacted in 1953, enumerates powers of boards of education in cities of over 500,000 inhabitants. It reads in part as follows:

> "The board shall exercise general supervision and management of the public education and the public school system of the city, and shall have power:...
>
> 10. To provide television studio facilities in not to exceed 1 school building and to provide programs for educational purposes, provided, however, that the Board shall not construct, acquire, operate or maintain a television transmitter; to grant the use of its studio facilities to a licensed television station located in the school district; and to maintain and operate not to exceed 1 school radio transmitting station and provide programs for educational purposes..." (emphasis added)

Thus, it appears that under present legislation no local school board, or a large or small district, could establish and operate a station. Evidently, under present Illinois law, only a private organization or an institution of higher learning is considered appropriate to fulfill this function. Of the two stations now in operation, one is owned by the board of Southern Illinois University and one by the Chicago Educational Television Association.

INDIANA. Title 28, Burn's Indiana Statutes, 1948, with 1961 Supplement.

The State board of education, created by Sec. 405, would be the State agency, in the absence of any other especially created for the purpose, to seek the establishment and operation of an educational television station for the benefit of the school system. Its present authority, however, is not altogether clear.

Powers?
NO
?

The general and residual powers of the board are exercised through three subordinate commissions into which its membership is divided. The Commission on General Education is the only one relevant here. Its establishment and powers are provided for in Sec. 406, which gives general authority in supervision of operational activities of the schools. But any implication of authority either for the State board or for school boards to establish and operate a station, which might be derived from general powers of the State board or of school boards, would probably be colored by the provisions of Sec. 3436, which reads:

> "Any school corporation or combination of school corporations in this state is hereby authorized and empowered to singly or jointly carry on educational television instruction and such corporation or corporations are hereby authorized to contract with a commercial television station or stations for the use of the facilities and staff of such station or stations for such instruction."

A control point for such activities is established by Sec. 3438, which provides that school credit for instruction by television may be given, when approved by the Commission on General Education.

It might reasonably be argued that the Legislature, by providing authority for local school boards to obtain television services from commercial stations, already equipped with facilities and staffed with operators, does not intend for any organization in the educational establishment to engage in operational activities. In any case, it seems likely that the control point applying to credits for television instruction would apply also to any proposal by a school board to establish and operate a station. Until these questions are clarified, it does not seem appropriate to suggest the probability of an implied authority for this purpose.

IOWA. Title XII. Iowa Code Annotated, 1949, with 1961 Cumulative Annual Pocket Part

Powers?
Yes

The Des Moines Independent Community School District is listed in the Directory, 1962, as the owner and licensee of Station KDPS-TV, in operation since April 1959. There is no other educational television station in the State.

The State Board of Public Instruction, established by Sec. 257.1, might be considered the appropriate agency of the State to seek establishment and operation of an educational television station, in the absence of any other agency especially established to fulfill this function. But the licensing of a separate school district, which could hardly have been accomplished without full knowledge and approval of the State board, might suggest a purpose to leave to operational units such as school districts this operational activity.

General powers and duties of the State board are described in Sec. 257.9, which is short and reads in part as follows:

> "The state board shall exercise the following general powers and duties:
>
> 1. Determine and adopt such policies as are authorized by law and are necessary for the more efficient operation of any phase of public education...
>
> 4. Perform such duties described by law as it may find necessary for the improvement of the state system of public education in carrying out the purposes and objectives of the school laws."

In addition, Sec. 257.10 defines specific powers and duties. It reads in part as follows:

> "It shall be the responsibility of the state to exercise the following specific powers and perform the following duties:
> 2. Direct the ditribution of all moneys under the provisions of the law for the distribution of various state and federal aid to schools...
> 6. Approve plans when submitted by the state superintendent of public instruction for co-operating with the federal government whenever it may find it desirable to do so, and provide for the acceptance and the administration of funds, subject to the approval of the legislature, which may be appropriated by Congress and apportioned to the state for any or all educational purposes relating to the public school system and for the acceptance of surplus commodities for distribution when made available by any government agency.
> 7. Approve plans submitted by the state superintendent for co-operating with all other agencies, federal, state, county and municipal, in the development of regulations and in the enforcement of laws for which the state board and such agencies are jointly responsible and approve plans for cooperating with other proper agencies in the improvement of conditions relating to the state system of public education.

> 8. Adopt a long-range program for the state system of public education based upon special studies, surveys, research, and recommendations submitted by or proposed under the direction of the state superintendent of public instruction.
>
> 9. Constitute a continuing research commission as to public school matters in the state and cause to be prepared and submitted to each regular session of the general assembly a report containing such recommendations as to revisions, amendments, and new provisions of the law as the state board has decided should be submitted to the legislature for its consideration."

Authority might be implied from some of these provisions, or a combination of them, for the State board to establish and operate or designate an agency to operate a station.

general

It appears from the files of the Federal Communications Commission that Station KPDS in Des Moines was first established as an FM radio broadcasting station. Information on legal authority is not at hand, but some of the provisions of the school law indicated below may be relevant.

Sec. 274.1 provides that each school district is a body politic as a school corporation, may sue and be sued, hold property, and exercise all the powers granted by law, and have exclusive jurisdiction in all school matters over the territory of the district.

Sec. 274.7: "The affairs of each school corporation shall be conducted by a board of directors..."

Chapter 279, entitled Directors - Powers and Duties, relates to more or less routine matters of school operations and does not have any impressive grant of general power. Sec. 279.12 in this Chapter, however, may be significant. It reads in part as follows:

> "The board shall carry into effect any instruction from the regular election upon matters within the control of the voters, and shall elect all teachers and make all contracts necessary or proper for exercising the powers granted and performing the duties required by law...(emphasis added)

This is supplemented by provisions of Sec. 278.1, which reads in part as follows:

> "The voters at the regular election shall have power to:
>
> 2. Direct the sale, lease, or other disposition of any schoolhouse or site or other property belonging to the corporation, and the application to be made of the proceeds thereof, provided, however, that nothing herein shall be construed to prevent the sale or lease of real or other property by the board of directors without an election to the extent authorized in section 297.22.
>
> 3. Determine upon additional branches that shall be taught...
>
> 7. Vote a schoolhouse tax, not exceeding two and one-half mills on the dollar in any one year, for the purchase of grounds, construction of schoolhouses, the payment of debts contracted for the erection of schoolhouses, not including interest on bonds, procuring libraries for and opening roads to schoolhouses.
>
> 8. Authorize the establishment and maintenance in each district of one or more schools of a higher order than an approved four-year high school course." (emphasis added)

It is possible that the voters of the school district authorized the establishment of a radio station, and later a television station, in Des Moines, and that the board of directors carried out this instruction under provisions of Sec. 279.12. No other relevant provisions have been found.

KANSAS. *Kansas School Laws*, 1957; *Session Laws*, 1959, 1961. Powers?

The State board of education apparently does not have the same broad general powers as its counterparts in most other States. Sec. 1007 (General Statutes 72-125) provides, in part:

> "It shall be the duty and responsibility of the state board to approve or reject:
>
> (1) School textbooks recommended for adoption and shall give careful consideration to the plans, methods, schedules, rules and regulations presented by the state superintendent as in this act provided;...
>
> (3) Plans, methods, rules and regulations formulated and recommended by the state superintendent for courses of study, curriculum and standards.

> In general, the state board shall act in an advisory capacity to the state superintendent on all matters under his jurisdiction except as to the exercise of specific powers and duties granted to the state board as prescribed in this act or as may be hereafter prescribed by law.

The State superintendent, who is elected to office under provisions of the Constitution, has correspondingly greater powers than the State board, Secs. 992 through 998, although he is directed to exercise them with approval of the board. It does not seem probable that any of these powers would be used to seek establishment and operation of a television station on the part of the superintendent, and the State board would probably need more power than it now has.

Sec. 112 of the School Laws describes the duties of the school board of each common school district, which is directed to provide "such maps, charts, teaching equipment, and other instructional material, recreational and playground equipment necessary to the successful operation of the school". For financial reasons, it does not seem probable that such a board would determine a television station to be necessary "other instructional material" or that it would be upheld in such a decision. This probably would supply authority to pay for television service, however, supplied by others.

Powers of boards of education, established for cities of the first and second classes, are broader. Under Sec. 13, they are directed to establish and maintain a system of free public schools and may make all necessary rules and regulations for the government and conduct of such schools, consistent with State law. In cities of 120,000 to 200,000 population, the board may establish and maintain a public library and branch libraries, meeting expenditures in the same manner as for schools.

Sec. 332 authorizes boards in cities of the first class or second class to issue bonds for building or equipping schools or for building or equipping libraries, following a vote on the proposition by electors of the school district. It might be possible, but does not seem very probable, that some authority to establish and operate a television station might be implied from some of these powers, but evidently a popular vote on the question would be required, as well as approval from the State superintendent and State board.

general?

KENTUCKY. Kentucky Revised Statutes, 1960, Vol. II, Title XIII.

Powers? Yes.

Station WFPK-TV is owned by and licensed to the Board of Trustees, Louisville Free Public Library. A discussion of its legal authority is not necessary here. There are no other educational television stations in the State.

The educational structure in Kentucky seems to be strong, and the school laws provide for considerable power both at the State and the local levels. It is relevant, before commenting on any authority which might be implied from such powers, to draw attention to a statement in a letter of November 28, 1961 to me from Mr. Boswell B. Hodgkin, Assistant Director of Textbooks and Instructional Materials in the Department of Education. He stated: "We are studying the possibility of introducing legislation for state-wide educational television". He gave no indication as to whether or not such legislation is needed to give authority to establish and operate a television station.

Sec. 156.070 reads in part as follows:

> "(1) The State board of education shall have the management and control of the common schools, public vocational education, and vocational rehabilitation, West Kentucky Vocational School, and the Kentucky School for the Blind."

Subsec. 2 of this section authorizes it, on recommendation of the superintendent of public instruction, to prescribe, print, and distribute regulations and various publications on courses of study, curriculums, bulletins, programs and outlines, which indicate an active part in control of school affairs. Under Sec. 156.130 it approves educational policies and general rules and regulations for the work of all persons engaged in the administration of the common schools. Under Sec. 156.230 it approves outlines of courses and courses of study recommended to it. The board has a number of other specific powers which need not be described here but which indicate broad authority and a necessity for it to participate actively in a number of major decisions relating to operation of the schools.

As chairman of the State board of education, Sec. 156.030, the State superintendent of public instruction coordinates his activities closely with those of the board, which he himself can call into meetings, Sec. 156.060. As a constitutional officer, clothed with broad and well defined powers, he also probably has more authority than his counterpart in some other State. He and the State board compose the department of education which, with its staff, exercises all administrative functions of the State in relation to the management and control of the public common schools, Sec. 156.010.

It seems reasonable to ascribe to the State board the probability of implied powers to establish and operate a television

General

station or to designate the department of education as the appropriate agency to operate it. Sec. 156.100 authorizes the State board to accept the provisions of any act of Congress apportioning funds to the State for education and it is directed to prescribe any rules necessary for this purpose.

Financial considerations would probably exclude county school districts and small independent school districts from any implication of authority from general powers to establish and operate a television station. However, it is possible that such implication might be made on behalf of the higher classes of cities maintaining an independent school district.

Each school district is under the management and control of a board of education, which is a body politic and corporate, with perpetual succession, right to sue and be sued, make contracts, purchase, receive, hold and sell property, issue its bonds to build and construct improvements, and do all things necessary to accomplish the purposes for which it is created, Sec. 160.160.

Sec. 160.290, describing powers of boards of education for school districts, reads in part as follows:

> "(1) Each board of education shall have general control and management of the public schools in its district and may establish such schools and provide for such courses and other services as it deems necessary for the promotion of education and the general health and welfare of pupils, consistent with the rules and regulations of the State board of education. Each board shall have control and management of all school funds and all public school property of its district and may use such funds and property to promote public education in such ways as it deems necessary and proper..." (emphasis added)

A procedure is provided in Sec. 160.477 for local taxpayers to vote on school building funds. Also a board of education, upon determining that it is necessary to construct or enlarge school buildings, may request the local taxing authority to issue an ordinance calling for a vote on the question by local taxpayers, Sec. 162.080. In case of approval, "school improvement funds" may then be issued in the name of the board of education, Sec. 162.090. Perhaps these provisions might be used for other purposes.

No specific authority is prescribed, or procedure provided, for the purchase of school supplies. The authority referred to above would certainly be sufficient to permit payment for television services supplied by others, and they might perhaps be sufficient to imply authority to establish and operate a television station under proper financial arrangements.

LOUISIANA. West's Louisiana Statutes Annotated, Revised Statutes, Vol. 13, with 1961 Cumulative Annual Pocket Part.

Powers yes

Sec. 2501 creates the Louisiana Educational Television Commission, which has a representative membership, appointed by the organizations or groups which they represent, including two each from the State board of education and from the State department of education, and others from universities and colleges and two from the teleivision industry. The Commission elects its own officers and makes its own rules and regulations, Sec. 2504.

Specifi

The powers and duties of the Commission are described as follows in Sec. 2505:

> The powers and duties of the commission shall be to:
>
> 1. Establish an office and employ such personnel in addition to the coordinator or executive secretary as may be required.
>
> 2. Serve as a source of information for Louisiana citizens concerning the nature and uses of educational television.

3. Aid communities in the development of production centers or non-commercial television stations.

4. Make the benefits of educational television available to and promote its use by the residents of the state.

5. Accept gifts and grants of money or property for the development of educational television in Louisiana and make detailed annual reports to the Governor and the Legislature of such receipts and their disbursement.

6. Continue the study of state educational needs that may be met through the use of television, explore in-school and out-of-school programs for children, teacher-in-service training and adult education.

7. Recommend policies for educational television development in Louisiana.

8. Serve in an advisory capacity on all matters pertaining to the development of educational television in Louisiana.

Sec. 2507 authorizes the Commission to appoint a full-time coordinator or executive secretary and prescribes his duties.

Sec. 2751, enacted in 1954, reads as follows:

> "The State Board of Education, the Louisiana State University Board of Supervisors and the State Department of Education, through the State Superintendent of Education, are hereby given authority to build equipment, rent, purchase and take such steps as are necessary for the establishment and maintenance of educational television facilities in the state of Louisiana."

Sec. 2752, also enacted in 1954, reads as follows:

> "The State Superintendent of Education is hereby authorized to initiate a program and plan and sign such contracts as will result in the establishment of the necessary facilities for educational television broadcasts and is hereby authorized to accept in the name of and for the state of Louisiana any grants in aid from recognized foundations, groups or individuals which place no obligation upon the receiving of such grants except that they be used for non-commercial educational television work."

It was evidently under the authority of Sec. 2751 that the State department of education applied for and obtained a license from the Federal Communications Commission to construct and operate Station KLSE in Monroe. The department is listed as owner and licensee and the station has been in operation since March 1957.

It is reasonable to assume that, when the State Legislature singled out the State board of education and the State department of education as the organizations within the public school system to establish and maintain television stations, it intended to exclude local school boards from the exercise of like authority. For this reason no authority should be implied from their general powers to enable them to establish and operate a station.

Station WYES in New Orleans is owned by and licensed to the Greater New Orleans ETV Foundation, the legal authority of which need not be considered here.

MAINE. Chapter 41, Maine Revised Statutes of 1954, and 1961 Cumulative Supplement; State of Maine Laws Relating to Public Schools, 1961.

Powers? NO

Station WCBB is owned by and licensed to the Colby-Bates-Bowdoin Educational Telecasting Corporation, representing those colleges. Its legal authority need not be considered here. There are no other educational television stations in the State.

The provisions of the school laws of Maine relating to powers of the top level organizations and officials are very meager. The department of education, established by Sec. 1, consists of the State board of education, the commissioner of education, and an official and clerical staff. The governor appoints the board, and it appoints the commission.

Sec. 7 provides: "The board shall recommend to the Legislature such new legislation or amendments to existing legislation as they shall deem necessary for the efficient conduct of the public schools of the State."

Sec. 8 relates to the appointment of employees in the department of education and concludes with the following sentence:

> "...The board may, on recommendation of the Commissioner, organize and, from time to time, reorganize the Department into such divisions, branches, or sections as may be found necessary or desirable in order that it may perform all proper functions and render maximum service to the operation and improvement of the state's system of education."

The only other relevant provisions concerning powers of the State board are found in Sec. 11-C, which reads as follows:

> "The State Board of Education is designated as the sole agency for administering the funds allotted under any federal act providing for financial assistance in the construction of school facilities, and it is authorized to make such certifications to the United States Commissioner of Education as are necessary to entitle the State to receive the benefits of such act, including the authority to elect that any portion of such a federal allotment be in the form of a commitment by the Federal Government to make direct payments of interest and principal on debts of local agencies for the construction of school facilities."

This is not much authority to support a conclusion that the State board has the power to establish and operate a television station. It is conceivable, however, that inasmuch as the State board is designated as the sole agency for administering Federal funds for the construction of school facilities, it might likewise be considered the proper agency to establish a television station. Its powers under Sec. 8 concerning the organization of the department of education might enable it to designate that department as the agency to operate any State-owned television station.

In Sec. 11 there is a reasonable enumeration of duties and powers of the commissioner, who is authorized, among other things, to exercise a general supervision of all the public schools and to advise and direct the town committees and superintendents in the discharge of their duties, as well as to prescribe the studies to be taught in the public schools. Few of the duties, however, are regulatory.

The nature of the legislation for exercise of authority at the top level, the tradition of self-government in this New England community, and the considerable preponderance of local support over State support for the school system, all suggest a low degree of "interference" with local school affairs and correspondingly greater authority exercised by local governing bodies. However, no clear statement of the powers of such governing bodies, in their several forms and combinations, has been found to support any reasonable implication of authority to establish and operate a television station.

MARYLAND. The Public School Laws of Maryland, reprinted from Annotated Code of Maryland, 1957 and 1958 Supplement, Article 77.

Powers? yes

Maryland has a closed circuit television system at Hagerstown but no legislation providing specifically for it or for educational television open circuit.

The State board of education shall determine the educational policies of the State and enact by-laws for the administration of those policies, Sec. 21, and shall exercise, through the State superintendent of schools, general control and supervision over the public schools and educational interests of the State, Sec. 22. It shall prescribe, with and on the advice of the State superintendent, courses of study for the public elementary schools and public high schools, Sec. 26.

Under Sec. 32 it is directed to conduct investigations relating to the educational needs of the State and the means of improving educational conditions.

5

Under Sec. 33 it is required, with the advice of the State superintendent, to prepare bills for consideration of the governor and the general assembly providing for changes in the appropriation of special educational purposes and activities and in the total amount raised and contributed by the State for the encouragement and support of public education.

Sec. 217 authorizes the State board to accept any appropriation of money for any educational purposes which may be made out of the Federal treasury or by any act of congress, and directs it to administer such funds.

In the absence of any agency created especially to establish and operate television stations, it might be concluded that the State board is the appropriate agency to do so and that authority for that purpose might be implied from the several powers referred to above.

general

Except for Baltimore which has its own independent school system, all of the schools in the State are administered under the county unit system. Pursuant to Sec. 3, educational matters affecting a county shall be under the control of a county board of education. It is a corporate body, capable to sue and be sued, Sec. 50.

Under Sec. 51, county boards are authorized, empowered, and directed to maintain a uniform and effective system of public schools throughout their respective counties. Subject to provisions of law and regulations of the State board, they are required by Sec. 54 to determine, with the advice of the county superintendent, the educational policies of the county and prescribe rules and regulations for their conduct and management.

Under Sec. 55 they are required to exercise, through their county superintendents, control and supervision over the public school system of the county and to consult and advise with various educational organizations and with interested citizens and to seek in every way to promote the interests of the schools under their jurisdiction.

Article 77, Sec. 63 of the Public School Laws reads as follows:

> "The county board of education is hereby authorized to furnish, by means of visual and auditory aids, additional facilities for instruction in geography, history, science, and other subjects to the schools under the supervision of the county board of education. They may from time to time enter into contracts necessary for carrying out this provision."

Sec. 222 of the Public School Laws establishes an incentive fund, through which the State grants aid to the city of Baltimore and to the counties to finance the construction of school buildings and school facilities if that city or the counties levy a specified amount of taxes for the same purpose.

Subject to approval by the State board, these several sources of power might be invoked by the county boards for the implication of authority to establish and operate a television station.

MASSACHUSETTS. Annotated Laws of Massachusetts, 1953, with 1961 Cumulative Pocket Part.

Powers ?
Yes

Station WGBH-TV in Boston is owned by and licensed to the WGBH Educational Foundation. It has been in operation since May 1955. There is no other educational television station in the State, and there is no indication as to how closely this station may be connected with the official educational organization of the State.

In Ch. 71, Secs. 13F through 13I, the legislature of the State has given a formula with procedures for furnishing educational television broadcasts to the school system which perhaps may preclude active participation by the State board of education or by local school districts in the establishment and operation of a television station. The text of these several sections is quoted in Ch. III, *ante*, but the provisions of them will be summarized here.

specific

Ch. 71, Sec. 13F has two major provisions. First it authorizes schools at both elementary and secondary levels to use television in their instructional process, to share costs with other participating schools, and to include in their school budget costs for these services at a rate not to exceed $1 per pupil. Other educational agencies are authorized to participate by making a financial contribution.

The second part, which is more important but not divided by paragraph or numbered separately, directs the State board of education, with the advice of the commissioner, to appoint a committee to coordinate and administer such programs. The committee, called the *Executive Committee for Educational Television*, is composed of twelve members, the majority of whom must be from the contributing school systems.

Ch. 71, Sec. 13G directs this committee, *subject to the approval of the board of education*, to act in matters pertaining to educational television. It may adopt rules for the conduct of its own business, and is directed to recommend to the State board the appointment of professional personnel required to carry on the work of the committee. Funds for the payment of salaries of such employees are to come from appropriations of the legislature or from other funds held in trust by the committee.

Ch. 71, Sec. 13H authorizes this committee to establish and manage, under regulations prescribed by it, a trust fund to be known as the Educational Television Program Fund. The Fund is composed of receipts from school committees (i.e. local school boards), organizations, or individuals contributing to the program. Receipts are accredited to the Fund, deposited in the State treasury, and may be expended by the committee for purposes of the program without appropriation. The committee must keep accounts and make reports.

Ch. 71, Sec. 13I, relates to powers and duties of the Executive Committee for Educational Television and to other matters. Pertinent parts read as follows:

> "In order to carry out its duties, said committee, from time to time and within the limits of appropriation therefor and of available trust funds, may --
>
> (a) Acquire, construct, hold, lease and dispose of real and personal property;
>
> (b) Prepare programs, enter into agreements providing for the furnishing of programs, and the disposition thereof within and without the commonwealth, equipment, assistance and personnel; purchase broadcast time; and enter into other contracts;
>
> (c) Obtain assistance from, and co-operate with others, including, without restriction, institutions of learning and groups interested in television broadcasting;
>
> (d) Hold and administer real and personal property, and money given, whether outright or in trust; and
>
> (e) Do all acts and things necessary or convenient to carry out the purposes for which the committee is created."

It might have been more satisfactory perhaps, from the standpoint of clarity, if the legislature had authorized this committee specifically to establish and operate television stations. However, there can be no doubt that authority for this can be clearly implied from provisions in Sec. 13G, directing it to "act in matters pertaining to educational television", those in Sec. 13H, authorizing it to receive and manage funds in the program, and those in Sec. 13I, authorizing it (a) to acquire, "construct", and deal in real and personal property, (b) prepare programs and enter into contracts, and (e) do all acts and things necessary or convenient to carry out the purposes of the program.

In view of the fact that the legislature has provided this agency and this formula for bringing educational television to the schools of the State, it is not believed that a Massachusetts court would construe the general powers of any of the local school districts in such a way as to imply authority for them to establish and operate a television station outside of the pattern especially provided for this purpose. And inasmuch as the committee acts in matters pertaining to educational television subject to the approval of the board of education, it does not seem probable that the board itself, claiming implied authority under any of its general powers, would attempt to usurp authority so clearly implied to the committee to establish and operate a station.

General

MICHIGAN. General School Laws, 1959, with 1961 Supplement (citations in parentheses are to the "School Code"; those following, without parentheses are to the 1948 Michigan Compiled Laws as amended).

Powers ?
yes

In Michigan there are two educational television stations: WTVS in Detroit, owned by and licensed to the Detroit Educational Television Foundation, and WMSB in East Lansing, owned by and licensed to the Board of Trustees, Michigan State University. There is no State law authorizing the establishment or operation of such a station for the benefit of the public school system.

In Michigan there is an organization called the State board of education, but its only authority affecting elementary and secondary schools relates to teacher certification and school bus routes, its primary purposes being directed elsewhere. It can therefore be disregarded in this analysis. Likewise there is no statutory provision for a department of public instruction, but an organization by that name functions as the office of the superintendent of public instruction. This official is elected to office, pursuant to provisions in the constitution. In him there are concentrated all of the policy-making, administrative, and supervisory powers which in most school systems are divided at the top level.

Sec. (173) 340.251 provides that the superintendent of public instruction shall have general supervision of general instruction in all public schools and in all State institutions that are educational in their character, including universities, colleges and institutions.

Sec. (174) 340.252 enumerates a range of duties, one of which is described as follows:

> "(h) To do all things necessary to promote the welfare of the public schools and public educational institutions and provide proper educational facilities for the use of the State..."

Sec. (1122) 388.801 provides in part as follows:

> "Sec. 1. Whenever the federal government or any agency thereof shall provide grants of general federal aid for the use and benefit of the public schools of the state, the superintendent of public instruction is hereby designated as the sole state agency to apply to and receive from the federal government, or any agency thereof, such grants which may now or hereafter be available to the state of Michigan or any school district therein..."

Sec. (1123) 388.802 reads as follows:

> "Sec. 2. To these ends and purposes the superintendent of public instruction is authorized, directed and empowered:

> (a) To originate the documentary data prerequisite to the disbursement of all funds made available at any time by the Federal government to the State of Michigan for said purposes in accordance with existing and usual procedures covering disbursements from the State treasury.
>
> (b) To adopt, carry out and administer a plan or plans for any such purposes not contrary to or inconsistent with the laws of this State. Such plan or plans so adopted shall be made statewide in application insofar as reasonably feasible, possible, or permissible, and shall be so devised as to meet the approval of the Federal government, or any of its agencies." (emphasis added)

It appears that the State superintendent, as an official, but not necessarily as an individual, might have authority implied from his general powers to establish and operate a television station. The case would be even clearer for him to designate some one of the many educational institutions under his control to make application to establish such a station and to operate it.

Perhaps the local school boards for certain types of districts might qualify for this purpose. The small school districts, such as those in the county intermediate system and those of the fourth and third class, can be disregarded because they could probably not finance a station. Some of the larger ones, however, might qualify.

In districts of the second class (for cities with a population between 125,000 and 500,000), the board of education is a body corporate and has very broad powers conferred by section (109) 340.154, which reads in part as follows:

> "Said board shall have power to purchase all property, erect, and maintain all buildings, purchase all personal property, employ and pay all persons, and do all other things in its judgment necessary for the proper establishment, maintenance, management and carrying on of the public schools of the city and for the protection of other property of the district, and it shall have authority to adopt by-laws, rules and regulations for its own government and for the control and management of all schools, school property and pupils. It shall not have power to raise money, borrow money or incur indebtedness, except in the manner herein specified."

Sec. (113) 340.158 describes that manner, which is reasonable, and provides: "For the purpose of purchasing sites, erecting school houses and other buildings, and for equipping the same, the board may borrow such sums of money as it may deem necessary and may issue and sell its bonds therefor upon rates of interest and for such time and in such amount as it may think proper..."

In districts of the first class (for cities with a school census of 120,000 or more), the board of education is a body corporate, may acquire, hold, and dispose of real and personal property, and exercise other powers conferred in broad terms by Sec. (133) 340.192, which reads in part as follows:

> "Said board shall have power to purchase and take by the right of eminent domain all property, erect and maintain all buildings, employ and pay all persons, and do all other things in its judgment necessary for the property establishment, maintenance, management, and carrying on of the public schools and for the protection of other property of the school district, and to do anything whatever that may advance the interest of education, the good government and prosperity of the free schools in said city, and the welfare of the public concerning the same, and it shall have authority to adopt by-laws, rules and regulations for its government and for the control and government of all schools, school property and pupils."

Sec. (159) 340.218 prescribes a procedure to be followed by the board for the acquisition of property, by purchase or by condemnation proceedings, and authorizes it to borrow moneys by the issue and sale of bonds for the acquisition of such property and the construction of necessary buildings and improvements.

general

These general powers conferred upon the boards of second and first class districts appear to be ample to imply authority to establish and operate a television station. The boards would probably have to obtain the approval of the State superintendent of public instruction, but he would have power to give it for this purpose or to designate the board of such a district as the appropriate agency to operate a station which under other authority he had "established".

Powers? yes

MINNESOTA. Minnesota Statutes Annotated, Vols. 10 and 10A, 1960, with 1960 Pocket Part.

In Minnesota there is one educational television station, KTCA-TV. It is owned by and licensed to the Twin City Area Educational Television Corporation, the legal authority of which need not be discussed here. There is no law in the State relating to educational television.

The school laws in Minnesota have recently been recodified, giving extensive control powers to the State board of education. It is not entirely clear, however, whether or not these powers would imply authority to establish and operate a television station. It is probable, however, that the controls which the State board is authorized to use would create an obstacle to the establishment and operation of a television station by a local school board.

The State department of education is maintained under the direction of the State board of education, Sec. 121.02, which is authorized to make complete organization of the department and define duties of employees, Sec. 121.07, to appoint a commissioner of education and fix his salary, Sec. 121.08, and to prescribe his duties, Sec. 121.16.

Under Sec. 121.09, the State board is directed to administer all laws relating to the commissioner, libraries, and other public educational institutions, except those relating to the State university and State colleges. Sec. 121.11 confers various powers upon the board, including rule-making and enforcement powers. Its general supervisory powers are described as follows in subd. 7 of that section:

> "The State board of education shall exercise general supervision over public schools, junior colleges and public educational agencies in the State, classify and standardize public elementary and secondary schools, and junior colleges, and prepare for them outlines and suggestive courses of study. The board shall establish rules relating to examinations, reports, acceptances of schools and junior colleges, courses of study, and other proceedings in connection with elementary and secondary schools applying for special state aid."

The State board is directed by Sec. 121.05 to prescribe regulations concerning contracts or agreements of any kind made with agencies of the Federal government for funds, services or equipment for schools and any educational institutions under supervision of the State board, and the section provides that all such contracts or agreements may be entered into only in accordance with the regulations as prescribed.

Sec. 121.15 directs the State board to prescribe rules for school sites and for the mechanical equipment, erection, enlargement, and change of school buildings and provides that no erection, enlargement, or change of school buildings shall be undertaken without prior approval of all plans and specifications by the State department of education.

Sec. 124.62 provides that in the event that the United States enacts legislation for educational assistance to the States for various specific purposes described, including "general improvement of public elementary and secondary schools", the governor shall have power to accept the provisions of such acts of Congress, or separable parts of them, upon recommendation of the State board and pending further action by the Legislature. The State board is authorized, following such acceptance, "to make and secure approval of plans to carry out the purposes of the provisions accepted".

The State treasurer is custodian of funds received from the United States on account of such acceptance and is directed to disburse them on requisition by the State board.

Perhaps authority to establish and operate a television station might be implied from these general powers of the State board. If so, it might designate the department of education or some other agency to operate the station. But it seems clear that the State board, through regulations concerning contracts for Federal aid to schools and through regulations requiring prior approval by the department of education for any school construction, could control any attempt by a local school board to establish and operate a television station.

general

Local boards in the county intermediate system and boards of small independent school districts can be disregarded. The power of other boards is adequate for operational purposes but not impressive in description.

Sec. 123.33, subd. 7 provides that the board of directors of an independent school district "shall superintend and manage the schools of the district; adopt, modify, or repeal rules for their organization, government, and instruction and for the keeping of registers; and prescribe textbooks and courses of study". Other sections, however, supplement this general description.

Sec. 123.35 provides that the board shall have the general charge of the business of the district, the schoolhouses, and of the interests of the schools thereof. It is authorized to provide services and facilities such as library and evening schools. It is provided in the same section that the voters of the district may authorize the issuance of bonds of the district. Sec. 123.36 authorizes the board to acquire site for schools and to construct buildings and enlargements thereof and direct the board to "purchase, sell, and exchange school apparatus, furniture, stoves, buses, and other equipment as may be deemed necessary by the board for school purposes."

Sec. 123.522 describes the powers and duties of the board of education of special independent school districts. This appears to apply primarily if not exclusively to Minneapolis, St. Paul and Duluth. Special independent school districts have all the powers, privileges, duties and obligations of independent school districts except as provided in this section. Its provisions, however, are not restrictive in scope of authority but relate to procedural matters and authority to issue bonds.

Under other circumstances these general powers might perhaps support an implication of authority to establish and operate a television station. In view of controls exercised by the State board, however, implication of such authority is not clear.

Another provision is relevant to this subject. Sec. 121.17 provides:

> "If there be any doubt as to the proper construction of any part of the State's school laws, the commissioner, at the request of any public officer, shall submit such question to the attorney general, who shall give his written opinion thereon and such opinion shall be binding until annulled or overruled by a court."

Perhaps any educational organization in the State would seek the opinion of the attorney general on the question of authority to establish and operate a television station.

__MISSISSIPPI__. __Compilation of the School Laws of Mississippi__, 1958, and __1960 Supplement to the Mississippi School Code__.

Powers?
yes

There is no educational television station in the State and no legislation relating directly to the subject.

The State board of education consists of the secretary of state, the attorney-general, and the superintendent of public education, Sec. 203, Article 8 of the Constitution.

Sec. 202, Article 8 of the Constitution reads in part:

> "There shall be a superintendent of public education elected at the same time and in the same manner as the governor, who shall...hold office for four years, and until his successor shall be elected and qualified, who shall have the general supervision of the common schools and of the educational interests of the state, and shall perform such other duties and receive such compensation as shall be prescribed by law."

Sec. 6245-01 of the School Laws provides that there shall be a State department of education, "which shall consist of a State superintendent of education", an assistant superintendent, directors of several divisions named, and employees needed for the proper functioning of the divisions.

Under Sec. 6245-02, the department is charged with the execution of all laws relating to the administrative, supervisory and consultative services to the public schools. It states further:

> "....Subject to the direction of the state board of education as provided by law, the administration, management and control of the department is hereby vested in the superintendent of public education, who shall be directly responsible for the rightful functioning thereof."

Thus there is a well integrated and interlocking organization at the top level for control of the school system, with more than the usual share of power in the superintendent by virtue of his membership on the three-man board of education.

The function of the State board, as described in the Constitutional provision creating it, is "for the management and investment of the school funds according to law, and for the performance of such other duties as may be prescribed". Various duties and powers are provided for the board, some of which are suggestive of broader interpretation. For instance, in Sec. 6240 it is directed to prescribe regulation for the establishment of a broad program of adult education; in Sec. 6241 to establish and conduct trade schools; in Sec. 6242 to accept and administer donations for the schools; and in Sec. 6243 to accept and use land, funds and contributions for supplies, equipment, and materials incident to the purposes for which they are contributed. It is also directed, in Sec. 6238, to "adopt a course of study to be used in the public schools of the state and ...regulate all matters arising in the practical administration of the school system, not otherwise provided for."

It seems reasonable to imply from this range of powers the authority to establish and operate an educational television station. The three-man board, of course, could not operate it, but it could appropriately direct that it be operated by the department of education, as indicated by Sec. 6245-09, which provides, in part:

general

> "All services, active, administrative, supervisory or consultative not otherwise herein specifically provided for, and all such services that are now or may hereafter be furnished or made available through funds other than such as may be appropriated by the legislature of the state of Mississippi, shall be and the same are hereby placed under the supervision of the state department of education. The superintendent of public education shall be responsible for the proper administration of each such service, and he shall assign the same to one of the divisions herein provided, selecting in each case the division which can best perform the duties required... In no case shall a new division be created or established other than by legislative action, it being the intent and purpose of this act to abolish dual control within the department of education, and to fix responsibility for the proper administration thereof in the superintendent of public education acting pursuant to the general directions of the state board of education."

An "active service" like providing instruction by television should thus be in the department of education. And the further provision of this section to abolish dual control of activities within the department itself could logically be extended to local school districts and their boards. These, in effect, are subordinate to the department and specifically subordinate to the State board. It does not appear therefore that authority to establish and operate a television station could be implied from any general powers of a local board.

MISSOURI. Title XI, 1960 Missouri School Laws, 1961 Supplement; Vernon's Annotated Missouri Statutes, 1952, Vol. 11, with 1960 Cumulative Annual Pocket Part.

Powers?
NO

There are two educational television stations in the State. One, KETC, which is owned by and licensed to the St. Louis Educational Television Commission, is widely used by the public schools and others in St. Louis. Payments for services are made out of school funds, but this station and the Commission are not part of the public school system, and the question of legal authority need not be discussed here.

The other station is KCSD-TV, owned by and licensed to the School District of Kansas City. Its legal authority, which is derived by implication from general powers, will be discussed later. There is no legislation in the State dealing specifically with the subject. Powers of the State board and of the State department of education will first be referred to.

Sec. 160.020: "The supervision of instruction in the public schools shall be vested in a State board of education..."

Sec. 160.090 reads in part as follows:

> "2. The State board of education shall:
> (1) Carry out the educational policies of the State relating to public schools as may now or hereafter be provided by law.
> (2) Direct the investment of all moneys received by the State to be applied to the capital of any fund for educational purposes...
> (3) Cause to be assembled such information relative to the public schools of the State as will reflect continuously their condition and management.
> (8) Classify the public schools of the State,... formulate rules governing the inspection and accreditation of schools preparatory to classification...
> "3. The board shall have such other powers and duties as may be prescribed by law."

Under Sec. 161-51, the State board apportions State funds to the several school districts.

Sec. 160.010 establishes the department of education, which shall include the division of public schools and such other divisions as may be created by law to administer the work of any related agencies assigned to the department. No specific duties are prescribed by statute.

Sec. 160.100 directs the State board to make it the duty of the commissioner of education to confer with various school officials and others concerning school law, visit and supervise schools and "make suggestions" concerning instruction, the control and government of schools and maintenance of school property, participate in meetings of teachers and others connected with education, and "to seek in every way to elevate the standard and efficiency of instruction given in the public schools of the State".

Thus, it appears that there is no sweeping grant of power to the State board, nor to the department or the commissioner working under its direction, which would clearly suggest implication of authority to establish or operate a television station. The functions at the top level appear to stress service and guidance to the professional staff in the school system, along with administrative controls of course, and there is external evidence that these services are well performed. Probably new legislation would be required to extend the services to the production of television programs for the benefit of the pupils.

The situation is different at the local operating level, where there is a combination of services, control of property, and direct impact on the pupils.

In its application for a television license filed with the Federal Communications Commission, the School District of Kansas City cited as its authority a complete block of sections of the School Laws - 165.377 through 165.553, relating to school districts in cities of 75,000 to 700,000 - and three specific sections included in the block - 165.377, 165.380, and 165.393 - with the following explanation:

> "By statute the Missouri legislature has created the School District of Kansas City, Missouri (Section 165.377), and vested its government and control in a board of six directors (Section 165.380). Such board is empowered "to make all needful rules and regulations for the organization, grading and government of schools in the district." (Section 165.393)...

In addition, however, it should be pointed out that such a school district is a corporate body, with power to issue bonds, Sec. 165.377. The board of directors of such a district has authority, under Sec. 165.490, to request special elections to vote on a proposal to increase tax rates for the purpose of "purchasing sites, additional ground attached to sites, and erecting schoolhouses, janitors' houses, repair buildings, and supply houses used in operation and maintenance of the schools, or repairing or furnishing such buildings, or a public library building containing offices of the board and furnishing the same, or an art gallery and museum for the preservation of works of art and such collection as would properly be a part of any museum collection, for the use of the public schools of the district" The same procedure could be used to vote on a television, which is only another tool in the arsenal of the school.

The powers of the board of education in cities of 500,000 or over (St. Louis) are expressed in even broader terms in Sec. 165.580:

> "Every such board of education shall have general and supervising control, governing and management of the public school, and public property in such city; shall exercise generally all powers in the administration of the public school system therein, appoint such officers, agents and employees as it may deem necessary and proper and fix their compensation...to loan its funds, and to levy such taxes as are or may be authorized by law for school purposes, and to purchase and hold all property, real and personal deemed by it necessary for the purposes of public education ...to build and construct improvements for such purposes, and to sell the same.

Authority to establish and operate a television station could be implied.

MONTANA. School Laws of Montana, Annotated, 1961.

Powers?
No

There is no educational television station in Montana, and there is no legislation on the subject.

The State board of education consists of the governor, the State superintendent of public instruction (an elective official), and the attorney general, ex officio, Sec. 75-101, and eight other members appointed by the governor, Sec. 75-102. This board serves, ex officio, as regents of the University of Montana, Sec. 75-107. Most of its powers, described in Sec. 75-107, relate to the university and to various State colleges, which are units of the university. The only clear exception is in subsec. 4, which reads:

> "To prepare standards of promotion to the high school department of all public schools of the state, and to accredit such high schools as maintain the standards of work prescribed by the board on all such matters of promotion and accrediting. The board shall act upon recommendation given to it by the State superintendent of public instruction."

It has rule making powers for itself, for the execution of powers granted to it by law, and for the university and colleges named.

The superintendent of public instruction apparently has almost complete control of the elementary and secondary school system. Sec. 75-1302 states: "He shall have the general supervision of the public schools of the state", and this is not qualified by any requirement, other than the one above relating to recommendations, with respect to any control of him by the State board.

Under Secs. 75-1311 and 75-2010, he is directed to prepare, with the cooperation and approval of such educators as may be named by the State board, a course of study for all the public elementary and high schools of the State. He has the other usual powers of supervising and advising, not relevant here.

Sec. 75-2011 creates a library of visual teaching aids, consisting of items of the "basic" type and the "film" type but no reference is made to television.

Under Sec. 75-2012, he is directed, with the approval of the State board, to prepare courses of instruction in visual instruction for the public elementary and secondary schools, the use of such instruction is not mandatory upon any school district. This evidently relates to the use of materials in the library referred to in the preceding section.

There is no broad expression of powers for the State board, the superintendent of public instruction, or for local boards of trustees, from which authority could reasonably be implied to establish and operate a television station. Evidently specific legislation on the subject is needed.

NEBRASKA. Revised Statutes of Nebraska, 1943, Vol. 5, and 1959 Cumulative Supplement, with 1961 Pocket addition.

Powers?
Yes

Station KUON-TV is owned by and licensed to the Board of Regents of the University of Nebraska. There is no other station in the State, and there is no legislation relating to the subject.

The State board of education is elected to office, Sec. 79-322, and appoints the commissioner of education, Sec. 79-325, who is subject to its control, Sec. 79-321.

Sec. 79-321 provides that "the State department of education shall have general supervision and administration of the school system of the State, and of such other activities as the Legislature may direct". (emphasis added) It also provides that "the State board of education, acting as a unit, shall be the policy-forming, planning, and evaluative body for the State school program".

The Legislature has given to the State board broad supervisory and rule-making powers in Sec. 79-328, which directs it "to provide, through the commissioner and his professional staff, enlightened professional leadership, guidance and supervision of the State school system,...issue materials helpful in the development, maintenance and improvement of educational facilities and programs,...establish rules and regulations based upon the program of studies, guidance services, ...instructional materials and equipment..." It is also directed to conduct investigations, with the help of professional educators, on means of improving the school system, to make plans for that purpose and report to the Governor and the Legislature with its budget, ibid.

While the commissioner performs administrative tasks in determining allotment of State aid to schools, Secs. 79-1302, 79-472, 79-477, and 79-476, the State board, under Sec. 79-329, has authority "to receive and distribute according to law any money, commodities, goods, or services made available to the board from the State or federal government or from any other source..."

If the Legislature should direct in general terms the use of educational television in the system of instruction, Sec. 79-321 might suggest that such activities be conducted in the State department of education (see above). In the absence of such a general statement of purpose, it might perhaps be implied from the Legislature's assignment of a broad constructive program and incidental powers to the State board, including the disposition of funds, commodities, and services, that the State board might establish and operate a television station. If it undertook to do so, it would include an item for that purpose in its budget, which the Legislature would have an opportunity to pass upon.

general

While local school boards and boards of education have some voice in determining courses of study, this action is subject to approval by the department of education, Sec. 79-443. Such boards are directed by Sec. 79-4,118 to purchase textbooks, equipment, and supplies for the schools, and they have the general care and upkeep of the schools, Sec. 79-443. Sec. 79-422 provides that when it is necessary to erect a schoolhouse, make improvements on it, or purchase equipment for it, the local board, upon petition of 1/4 of the local voters, can request a popular vote on a special tax for such purposes.

In general, however, local boards do not seem to have such a latitude of action or such broad powers as to suggest any implied authority to establish and operate a television station.

NEVADA. School Code, 1961.

Powers?
No

There is no educational television station in the State, and there is no legislation on the subject.

The powers of the State board are adequate for its function, but they are relatively modest in scope, do not refer to any unusual service activities or to property control at the State level. They relate to regulations for teachers and their certificates, regulations concerning the acceptance of funds, commodities or services from federal agencies, the prescribing of courses of study for the schools, the approval of lists of books for school libraries, and the printing of publications and forms for use in the schools. No authority to establish and operate a television station could reasonably be implied from its general powers.

The superintendent of public instruction is appointed by the State board and holds office at its pleasure. He has some statutory powers and duties, relating to visitation of schools, consultation with educators, conferences with teachers, and the preparation of forms and reports, but no power from which authority could be implied to participate in the establishment or operation of a station.

The State contributes a greater percentage to school support than local districts, but these have some latitude of discretion in operating schools. Sec. 386.350 provides that each board has the reasonable and necessary powers required to attain the ends for which the public schools are established, and to promote the welfare of school children. Sec. 393.170 provides that equipment and materials for use in manual training, industrial training and domestic science teaching may be supplied in the same manner, out of the same fund, and on the same term and conditions as books. But there are no provisions for a broad program of instructional services or supplies or for property control from which authority might reasonably be implied to establish and operate a television station.

NEW HAMPSHIRE. New Hampshire Revised Statutes Annotated Relating to Public Schools, 1955 Codification, including Session Laws of 1955, 1957, 1959, 1961.

Powers
Yes

The only educational television station in the State is owned by and licensed to the University of New Hampshire. There is no legislation on the subject.

The State board of education, Sec. 186.1, appointed by the governor and his council, Sec. 186.2, appoints the commissioner of education and prescribes his duties, except as provided by law, Sec. 186.9.

Sec. 186.5 describes briefly the powers of the State board, in part, as follows:

> "The State board shall have the same powers of management, supervision, and direction over all public schools in this State as the directors of a business corporation have over its business, except as otherwise limited by law. It may make all rules and regulations necessary for the management of its own business and for the conduct of its officers, employees, and agents, and to secure the efficient administration of the public schools...It shall be the duty of school boards and employees of school districts to comply with the rules and regulations of the State board."

Under Sec. 186.6 it may make regulations necessary to enable the State to comply with the provisions of any law of the United States intended to promote vocational or other education. It is designated, in Sec. 186.11-b, as the sole agency for the administration of programs for which the State may be entitled to receive federal aid under NDEA, and authorized, in Sec. 186.11-e, to make any agreements with federal agencies necessary for NDEA programs and to adopt regulations necessary for that purpose.

Sec. 186.13 provides that all money appropriated by the legislature for general educational purposes, in addition to that obtained from certain other sources, shall be used for the several purposes specified, which include: the abolition of illiteracy, the Americanization of immigrants, "equalizing education opportunity and improving the public elementary and high schools", preparing teachers for the schools and extending facilities for improving those already in service, for the expense of administering the department of education, for making available the funds provided by federal law for vocational and other education (i.e. by matching funds).

The general legislative intent expressed, and the scope of powers granted to the State board, suggest a reasonable implication of authority to establish and operate a television station.

general

In New Hampshire, the school districts are corporate bodies separate from the towns in which they are located, Sec. 194.2, the municipal authorities supply funds for the operation of schools, Sec. 198.5, voters take an active part in meetings, Sec. 197.11, school bonds are issued by the municipality, Sec. 33.3 et seq., and boards of school trustees have regulatory power, Sec. 189.15, supply power, Sec. 189.16, and certain other authority for management of the schools. This division of functions, however, does not permit concentration of sufficient power within a local board to suggest an implication of authority to establish and operate a television station.

Powers?

NEW JERSEY. New Jersey Statutes Annotated, Title 18, 1940, with 1961 Cumulative Pocket Part.

New Jersey has no educational television station and no legislation on the subject.

The State department of education is established in the executive branch of the government as a "principal department", Sec. 18: 2-1. It "consists" of the State board of education, the commissioner of education, and various divisions, bureaus, branches, committees, as well as officers and employees, so that the power of the department is a composite of that of component officials and organizations, ibid. The Governor appoints the State board, ibid., and the commissioner of education, Sec. 18: 3-1, with Senate approval.

The concluding part of Sec. 18: 2-1 reads as follows:

> "The general supervision and control of public instruction in this State and of the State Department of Education shall be vested in the State Board. The State Board shall be charged with the duty of planning and recommending respecting the unified, continuous and efficient development of public education including public higher education. (emphasis added)

Sec. 18: 2-4 confers upon it powers and duties, described in great detail, the only ones relevant here being: the powers to prescribe rules and relations to carry school laws into effect and to control the issuance of certificates to teachers and others engaged in the instruction and educational guidance of pupils; and the duties to prescribe rules and regulations for the approval or withdrawal of approval for secondary schools, to advance the education of people of all ages, and to exercise all other powers requisite to the performance of its duties.

Sec. 18: 3-7 states that the commissioner "shall have supervision of all schools of the State receiving any part of the State appropriation", but this was specifically qualified by the Legislature in Sec. 18: 3-7.1 providing that this power is "subject to the approval of the State board" and the duty of executing the policies and administering regulations is imposed upon the commissioner. He has, of course, supervisory and administrative powers with respect to school officials, requiring reports, inspections, and he also has advisory powers.

Under Sec. 18: 3-21 he is authorized to accept and administer various kinds of grants and donations, subject, however, to approval of the governor and the State board. Sec. 18: 10-1 provides that the governor, attorney general, secretary of state, State comptroller, State treasurer, and the commissioner of education shall constitute the board of trustees of the fund for the support of public schools.

The commissioner apportions federal funds made available for school purposes, but under plans approved by the State board, Sec. 18: 23-19. The State treasurer is custodian of such funds, Sec. 18: 23-21. If a federal law provides that there should be a State agency to carry out its purposes, the State department of education is specifically designated for that purpose, Sec. 18: 24-25.

The State legislature has laid out a broad plan under which it seems reasonable to imply authority at some point at the top level general to establish and operate a television station. But the functions at that level are so divided - the State board being limited to planning and recommending - that it seems more reasonable to ascribe this authority to the department of education, in which there is already a coordinator of audio-visual education.

There are several different kinds of school districts, but the small ones can be disregarded. In the two types of municipal districts, the board of education is a corporation, Sec. 18: 7-54 or 18: 6-21. A "Chapter 6" board has title to all of the school property in the district, Sec. 18: 6-16, "shall do all acts and things necessary for the lawful and proper conduct, equipment and maintenance of the public schools of the district", Sec. 18: 6-17, and "shall have the supervision, control, and management of the public schools and public school property in its districts", Sec. 18: 6-18. The governing body of the municipality, however, levies taxes for school support, Sec. 18: 6-51, and issues school bonds, Sec. 18: 6-61. There is provision for voting on such questions.

The "Chapter 7" boards have ample authority similar to that of "Chapter 6" boards, which it is not necessary to describe here. In both cases, it seems reasonable to imply from the broad powers conferred upon these boards an authority to establish and operate a television station, provided local and State financial arrangements could be made. In provisions for the establishment and operation of county audio-visual instructional materials centers, the legislature has shown a predilection for a local do-it-yourself approach to supplying advanced teaching services and equipment. See Chapter III, ante, for the text of laws relating to this subject.

NEW MEXICO. State of New Mexico Public School Code, 1953, with 1955 and 1961 Supplements; New Mexico Statutes Annotated, Vol. 11, 1961 Pocket Supplement.

Powers ?

There is no legislation in this State relating to educational television, but there is a station, KNME-TV, of which the joint owners and licensees are the Regents of the University of New Mexico and the Board of Education of the City of Albuquerque.

Pursuant to Article XII, Sec. 6, of the Constitution, the State board of education is created, consisting of the governor and the State superintendent of public instruction, ex officio, and five other members appointed by the governor with the consent of the Senate.

Sec. 73-1-1, as amended in 1959, defines the authority of the State board. It reads in part as follows:

> "Said board is authorized to delegate such administrative and executive functions to the superintendent of public instruction as it may see fit, and the state superintendent of public instruction shall direct the operation of the state department of public education subject to the policies established by the board."

Powers of the superintendent of public instruction, as provided in Sec. 73-2-1, are supervisory and administrative, and not unusual in character.

The description of powers at the top level does not outline any broad program of educational activities, and it is difficult to imply from them authority to establish and operate a television station. However, the provision appearing in the succinct statement of powers of the State board: "...be authorized to accept federal aid to education and shall have control, management and direction of all public schools" might give some ground for such an implication if the governor, as a member of the board, should wish to take advantage of new federal legislation without waiting for action by the State legislature.

?

The file in the Federal Communications Commission relating to Station KNME-TV, referred to above, contains a letter of April 16, 1957, from the firm of Botts and Botts, lawyers in

Albuquerque, addressed to the Board of Education of the City of Albuquerque. It gives the legal opinion that the Board has the necessary authority to establish and operate a station. One paragraph of the letter reads as follows:

> "You are a municipal board of education under Section 73-10-1 NMSA 1941 comp., and, as such, the Albuquerque School District "and the public elementary and high schools therein shall be governed by' your board. (op cit. 73-10-2) The statute further gives you 'like powers over the schools and districts' within your jurisdiction 'as those possessed by county boards of education over their respective schools and districts.' id. County boards have 'supervision and control of all rural schools and districts' (op. cit. 73-9-7) and general power to contract (op. cit. 73-9-1)."

The letter also cited the case of Nohl v. Board of Education of the City of Albuquerque, 27 N.M. 232, 236, et seq., in which the Supreme Court of the State held that school funds may be properly expended for school facilities of various new types not contemplated when the authorizing legislation was enacted.

By reciprocal provisions, powers of school boards of different types of school districts were made essentially the same:

Sec. 73-9-14 on behalf of boards of independent rural school districts

Sec. 73-9-20 on behalf of boards of educational trustees in counties

Sec. 73-10-2 on behalf of municipal boards of education

Sec. 73-11-4 on behalf of union high school boards

It would seem, therefore, that, subject to necessary financial requirements, all of these boards would have the same authority as the board in Albuquerque.

Powers

NEW YORK. McKinney's Consolidated Laws of New York Annotated, Parts 1, 2, and 3, with 1961 Cumulative Pocket Parts.

In this State there is one educational television station, WNED-TV, owned by and licensed to the Western New York Educational Television Association, Inc., a private organization with which we are not concerned here. A commercial station, WPIX, provides on a contract basis certain instructional programs for schools in New York City, but that is not relevant here. Construction permits have been granted by the Federal Communications Commission to The University of the State of New York, State Education Department, for stations at seven different cities, as shown by the Directory, 1962, and the Board of Cooperative Educational Services, First Supervisory District of Erie County, which is part of the educational hierarchy, applied for a construction permit in April 1961.

Sec. 1958 of the New York Education Law provides for the establishment of Boards of Cooperative Educational Services as organizations to function within the public school system. Sec. 213, as amended, referred to at length in Chapter III ante, specifically authorizes a school district or a board of cooperative educational services to establish and operate an educational television station.

Specific + general

The University of the State of New York (a public corporation not like the customary university with a faculty), its Board of Regents, and the Education Department constitute an interlocking organizational complex which is the most powerful educational organization in the country exercising corporate powers, owning and controlling the disposition of property, and controlling the public school system, Sec. 101 and passim. Sec. 213, as amended, authorizes the board of regents to acquire, own, lease, and control educational television facilities and aid school districts, boards of cooperative educational services, and non-profit corporations chartered by it to establish and operate stations.

Sec. 236 authorizes the board of regents to incorporate non-profit corporations for the purpose of providing educational television, and to regulate their activities.

While New York gives the clearest and most sweeping authority for the establishment and operation of such stations at the top level, it is probable that even though The University of the State of New York might be the owner and licensee of any station established with State funds, it, through the Board of Regents, would designate some school district, board of cooperative educational services, or corporation established under Sec. 236 to operate the station.

Powers?
NO

NORTH CAROLINA. Public School Laws of North Carolina, 1958, and 1959 and 1961 Supplements.

There is one educational television station in this State: Station WUNC-TV, owned by and licensed to the Consolidated University of North Carolina. This is a public corporation, composed of various state supported institutions of higher learning, which obtained its license under authority of its charter provisions, not special legislation. External evidence indicates that some of its educational broadcasts, especially designed for classroom use below college level, are being subscribed to by a number of school boards throughout the State through payment of school funds allocated for instructional material and services. It is also being subsidized by State appropriations, private donations, and substantial support from a foundation.

This situation, the nature of legislation on the subject of educational television, and the nature of the public school organization, all suggest that the State legislature is not ready or not willing for any organization at the top level or at the lower operating level in the public school system to embark on an independent program to establish and operate a television station.

Chapter 1322 in Part II of the New Statewide School Laws and Resolutions, 1959 Session, is an act appropriating funds to the State board of education for a program of education by television in the schools of the State. It recites the past cooperation between the Fund for the Advancement of Education and the school systems of the State in an experimental television project, the desire of both to continue the experiment, the participation of local school districts through payment for television services, and then makes an appropriation to the State board of education to allocate funds to the schools for continued participation. One portion of Section 1 of the Act reads as follows:

> "Upon the recommendation of the State Superintendent of Public Instruction the State Board of Education shall adopt standards for courses of instruction through television to be offered in the public schools of the State and the State Board of Education shall allocate the funds appropriated for this purpose to the county and city administrative units of the State which comply with the standards so established. Said appropriation shall be expended by county and city boards of education for payment of the salaries of competent teachers; for the administration of the program; for the operation of the studio; for the salaries of the personnel employed at the studio; for the purchase of materials; for the cost of operating a transmitter; and for other costs found by the State Board of Education to be necessary to the operation of the program.
>
> "The State Board of Education is authorized to provide in its standards that participating administrative units shall support the program, in part, with local funds, the ratio to be determined by the Board."

If this is a continuation of the program of Station WUNC-TV at the University of North Carolina in Chapel Hill, as seems probable, it is not clear what the Legislature meant by authorizing county and city boards of education to pay for operation of the studio, cost of operating a transmitter and other expenses described, which might all have been lumped together in a basic charge to the schools for the service. It might be an indirect appropriation for the television station itself.

In any case, however, the Legislature has shown its intent that the public schools are to get their television instruction through this formula and the existing service around which it is built. In an enlargement of the plan, perhaps authority might be implied from this Act for a local school board to establish and operate a station, but it would have to be from this Act - or new legislation, of course not from authority implied from general powers.

The school structure in this State is somewhat more political than in many States. The State board of education has in its membership the Lieutenant Governor, the State Treasurer, the State Superintendent of Public Instruction, and ten other members appointed by the Governor subject to confirmation by the General Assembly in joint session, Sec. 115-2. Nominees for appointment to county boards of education are chosen at party primaries or conventions and from among these nominees the General Assembly elects or appoints one or more to fill rotating vacancies on the school boards, Sec. 115-19. It is not likely that any such body would fly in the face of the legislature by attempting to establish a television station outside of a plan provided by the legislature, however indefinite the plan may seem in some details.

NORTH DAKOTA. North Dakota Century School Code, 1960, and 1961 Supplement.

Powers? yes

There is no educational television station in this State, but the legislature has established a means and a formula for providing the services of educational television not only for the benefit of the public schools and colleges but for adult education, as well.

Sec. 15-47-36 reads as follows:

> "Contracts authorized for educational television.--The Superintendent of Public Instruction may contract, for a period of not to exceed two years, with provisions for its renewal for like periods, with a nonprofit corporation for the purpose of providing the people of the state with educational television services in the fields of elementary, secondary, and higher education, adult education, and other fields tending to promote cultural development. (emphasis added)

Specific

It will be noted that the contracts authorized are to be made with a non-profit corporation, which by definition excludes the State board and the department of public instruction. However, it does not exclude school districts, which are bodies corporate, Sec. 15-27-02.

School districts are under the supervision of school boards, Sec. 15-29-07, which have the power to establish a system of free public schools, organize, establish and maintain schools, purchase school apparatus, textbooks, furniture and appendages, have custody and control of school property, and make reports on financial and educational conditions of the schools, Sec. 15-29-08.

In the absence of specific legislation on the subject, these powers might perhaps be construed to imply authority to establish and operate a station. But it is highly improbable that any school board would take action in this direction without full consultation at the top level of the school system.

The superintendent of public instruction, who is elected, Sec. 15-21-01, has general supervision of the schools, Sec. 15-21-04, and the duty to advise with boards of education on all matters involving the welfare of schools and to decide questions concerning school laws, Sec. 15-21-07. He also has authority to enter into agreements with the Federal government or with the school board of any school district in the State, Sec. 15-21-07.1.

The State board of public school education consists of the governor, as chairman, the attorney general, the superintendent of public instruction, and other members selected by educational and school officers' associations, Sec. 15-21-17. The board has authority to call upon any State official or agency for advice and assistance, ibid., and to authorize any school district to acquire sites, construct buildings, and operate schools or discontinue them, Sec. 15-21-19.

In short, the legislature has provided a formula for obtaining the benefits of educational television and for expanding upon the plan through use of the general machinery already provided for the internal operation of the school system. general

It might be argued by the State superintendent that the legislature intended for these services to be provided by a non-profit organization created especially for the purpose, and that until this procedure proved to be inadequate no other should be considered. The way would still be open, however, for him or the attorney general, who is on the State board, to pass upon the authority of a local board, and for that board to call upon other State agencies to help and itself to authorize a local board to acquire a site and build a station, so that it could contract with the State superintendent to provide television services for the surrounding community.

Powers?

OHIO. Baldwin's Ohio School Laws, Annotated, 1958, with 1959 and 1961 Legislative Service.

In Ohio there are four educational television stations, owned by and licensed to, respectively, two different foundations, Ohio State University, and the President and Trustees of Miami University, the authority of none of which need be considered here. Since 1955, there has been special authority, now found in Sec. 3317.16, for boards of education in the school system to buy television services for the schools from certain non-profit educational television foundations. In 1959 an interim commission was established to study educational television in Ohio and the feasibility of developing a single state-wide system for joint cooperative use and to submit its report in January 1961, Am. Sub. Senate Bill No. 435, Regular 1959 Session.

New legislation on the subject, now appearing in Secs. 3353.01 through 3353.04 of the Revised Code, is evidently the outgrowth of the study and report of that interim commission. This is described at length in Chapter III, ante.

Specific

Sec. 3353.02 establishes the Ohio Educational Television Network Commission composed of 9 members, of whom the State superintendent of public instruction is one. This commission is an "independent agency of the state government", in the department of finance for administrative purposes, and financial support for its continued existence and operations is provided, Sec. 3353.03.

Sec. 3353.04 authorizes the commission, among other things, to own and operate transmission facilities and interconnection facilities for an educational network; to enter into agreements with other non-commercial educational stations for coordination of transmissions; to execute contracts necessary to carry out the purposes of the act; and to determine programs to be distributed through the Ohio educational television network.

This is a complete and unified plan for providing educational television throughout the State, and it is immediately connected with the school system through membership of the State superintendent of public instruction on the commission. Obviously the school boards throughout the State will make contractual or other necessary agreements to participate in the programs provided through this official agency. The legislature has set the pattern, and it is not conceivable under what circumstances a court would look with favor upon any attempt by the State board, the department of education, or any local board or school district to establish and operate a station, without express contractual agreement with this commission.

OKLAHOMA. *1961 School Laws of Oklahoma* (numbers in parentheses refer to the title and section numbers in Oklahoma Statutes)

Powers?
yes

There are three educational television stations in Oklahoma. Two are owned by and licensed to the Oklahoma Educational Television Authority, a public corporation and agency of the State. The law establishing this authority is fully discussed in Chapter III, *ante*. The other is owned by the Oklahoma City Board of Education and licensed to Independent School District No. 89 of Oklahoma County.

Specific

The 1953 legislation on this subject is very comprehensive. The legislature established a clearly defined plan by creating the Oklahoma Educational Television Authority as an operational, supervisory, and regulatory agency of the State, but not restricting operational activities to it alone. The gist of the plan is described as follows in Sec. 455 (OS 70-2141):

> "...Said educational television *services shall be provided by and through* the *various* educational and cultural *agencies* in the State of Oklahoma *under the direction and supervision of the Oklahoma Educational Television Authority*..." (emphasis added)

Section 459 (OS 70-2145) creates the Authority as a body corporate and an instrumentality of the State, and states:

> "...the exercise by the Authority of the powers conferred by this Act, in the planning, construction, operation and maintenance of educational television facilities shall be deemed and held to be an essential function of the State."

This organization has a great range of powers, as described in Chapter III, ante, including, specifically the power to "construct, maintain, repair and operate television facilities", Sec. 460 (OS 70-2146), subsec. (f). It also has authority to collect fees for the use of any of its facilities, Sec. 467 (OS 70-2153), and to contract with other television stations or agencies for the purpose of receiving or exchanging programs, Sec. 473 (OS 70-2159). It is authorized to receive appropriations from the State and accept Federal grants for the construction and operation of any such project, Sec. 460 (OS 70-2146, subsec. (p).

Sec. 472 (OS 70-2158) provides in part:

> "All counties, cities, towns, municipalities, school districts of the State, and all State boards, commissions, officials, and other public agencies, notwithstanding any contrary provision of law, are hereby authorized and empowered:...
>
> "(b) to lease, rent or contract from the Authority for telecasting purposes, any programs that would be beneficial of their interest and that of the State of Oklahoma."

There is no need for the State board or the department of education, as central organizations, to attempt to establish or operate a station for which they are not equipped or technically qualified, when such a powerful central organization has already been created for the purpose. It is contemplated by the legislation, however, that operational units shall be established to function under the direction and supervision of the Authority. It is highly improbable that either the State board or the education department would be considered appropriate for such an operational role, but a school district, with its board, is essentially operational in other respects and authority for this purpose can be implied from other powers granted to the district and its board with the incidents necessary for such an undertaking.

The citations from Oklahoma Statutes, given by the Oklahoma City Board of Education as legal authority for it to establish and operate Station KOKH-TV, are indicated below, with explanations and with corresponding sections of the School Laws of Oklahoma.

Citations given:	**Corresponding to:**
Title 70, Oklahoma Statutes, 1951, Vol. 2	
Article I	**Article I, Scope, Organization, and Definitions**
Article II	**Article II, State Department of Education** **A. State Board of Education** **B. State Superintendent of Public Instruction**
Article III	**Article III, County Superintendent of Schools**
Article IV	**Article IV, School Districts and Boards of Education**
Sections 4-3	**Section 40**
4-4	**41**
4-5	**42**
4-6	**43**
4-7	**44**
4-22	**58**

Articles I, II, and III, relate to the school hierarchical system and need not be discussed here. Article IV is the one from which the several specific sections were cited, relating to school districts and their boards of education. Section 4-3 relates to dependent school districts which have not met standards, and was evidently given by mistake in place of Section 4-2, relating to independent school districts and corresponding to Section 39 in the School Code. Sections will be identified below by numbers from the School Code.

It might be pointed out that independent school districts are under supervision and administration of their boards of education, whereas dependent school districts are under the supervision of the county superintendent and the administration of their district boards of education, Sec. 38 (OS 70-4-1).

Sec. 39 (OS 70-4-2) states that independent school districts are those which have maintained certain standards described, have given satisfactory evidence to the State board that they are able to administer fiscal affairs properly, and have been designated independent by the State board officially.

Sec. 41 (OS 70-4-4) concerns the designation of a district as dependent or independent for tax purposes, and is not relevant here.

Sec. 42 (OS 70-4-5) states that every school district is a body corporate, with power to contract and to hold real and personal property. Procedures, not relevant here, are described.

Sec. 43 (OS 70-4-6) states that the governing board of each district is the board of education, which employs the superintendent of schools as its executive officer and prescribes his duties.

Sec. 44 (OS 70-4-7) relates to the number of members of the board, election, and tenure.

Sec. 58 (OS 70-4-22), which is the key section, relates to the powers of the board of "each school district" in an extensive and impressive range of activities. It provides, in part, that the board has power: "...to maintain and operate a complete public school system of such character as the board of education shall deem best suited to the needs of the school district;...to purchase, construct or rent, and operate and maintain, classrooms, libraries, auditoriums, gymnasiums, stadia, recreation places and playgrounds, teacherages, school bus garages, laboratories, administration buildings, and other schoolhouses and school buildings, and to acquire sites and equipment therefor;...to acquire property by condemnation proceedings...; to purchase necessary property, equipment, furniture and supplies necessary to maintain and operate an adequate school system; to incur all expenses, within the limitations provided by law, necessary to carry out and fulfill all powers herein granted, to contract with and fix the duties and compensation of...[various employees listed]...and other necessary employees...; and to exercise sole control over all of the schools and property of the district, subject to other provision of the Oklahoma School Code..."

It would be difficult to find in any school code a more sweeping and convincing grant of powers with respect to scope of activities and control of property. It is entirely reasonable to imply from them authority to establish and operate a television station, on behalf of independent districts, and perhaps even on behalf of dependent districts if accompanied by proper evidence of fiscal responsibility and approval of the State board. In any case, however, it appears that activities in this respect would be subject to control and supervision by the Oklahoma Educational Television Authority, as previously indicated.

general

OREGON. Title 30, Oregon Revised Statutes, 1961 Replacement Parts (including changes in 1961 Session Laws); Laws Relating to the Oregon Public School System, 1960, and 1961 Supplement.

Powers

yes

specific

There are two educational television stations in Oregon, KOAC-TV and KOAP-TV, both owned by and licensed to "State of Oregon, State Board of Higher Education". Sec. 354.210 declares this board to be the managing agency of educational television facilities for which it is licensee, and directs it to make rules and regulations to govern the use, operation and control of such facilities in the best interest of the people of Oregon to meet their educational and cultural needs.

Sec. 354.220 directs the State board of higher education to make the facilities of such stations available to all departments and agencies of the State, as well as to various types of private and other public organizations, for educational purposes, on condition that the users of the service (a) agree to conform to the rules and regulations of this board, and (b) agree to pay the reasonable charges fixed by it.

Sec. 354.230 authorizes this board to encourage and accept gifts for developing the facilities for which it is licensee. However, this does not complete a legislative program or put it altogether in the hands of one agency, because Sec. 354.290 provides:

> "The State Board of Higher Education or any nonprofit corporation organized under the laws of Oregon for educational television purposes may apply to the Federal Communications Commission for permits to construct noncommercial educational television stations in Oregon to utilize any channel allocated for that purpose by the Federal Communications Commission and may apply for licenses to operate such stations."

In so far as the State board of education (NOT "higher"), the State department of education, and local school districts and their boards are concerned, this provision operates as a bar to their establishing and operating a television station, because none of them was "organized under the laws of Oregon for educational television purposes". The legislative intent is clear that only nonprofit corporations so organized and the State board of higher education are authorized to apply for use of those particular channels allocated to the State for educational television. The State legislature obviously has the right to determine who may use such channels, only three of which have so far been allocated to Oregon, and only one of which remains unassigned.

general

PENNSYLVANIA. Purdon's Pennsylvania Statutes Annotated, Title 24, with 1961 Cumulative Annual Pocket Part.

There are three educational television stations in Pennsylvania, one of which, in Philadelphia, is owned by a non-profit corporation and licensed to a corporation operating the station, and two of which, in Pittsburgh, are owned by and licensed to the Metropolitan Pittsburgh Educational Television Station. Legal authority of these organizations is not relevant here.

Legislation appearing in Sec. 5-523 of Title 24 of the Statutes and described in detail in Chapter III, ante, provides a formula for making educational television available to the schools of the State. In Subsec. (a) the State Council of Education, corresponding to the State board, is directed to make a State Plan for Educational Broadcasting and to "define educational broadcasting service areas which shall be served by specified broadcasting centers". In the same subsection the department of public instruction is directed to promulgate regulations to implement the State plan.

The role of the State council seems to be limited to this function, however, inasmuch as the rest of the section, which deals with operational and contractual activities and gives specific powers to other organizations, gives no further power to the State council. The provisions for activities of other organizations seem entirely adequate to supply television services for use of the schools, and it is therefore reasonable to assume that the Legislature did not intend to empower the State council to establish or operate a station.

Subsec. (f) specifically authorizes the department of public instruction to "establish and/or operate a broadcasting station and/or purchase, produce and/or contract to purchase or produce tapes, films and/or recordings for educational broadcasting". Thus it has power both to establish and to operate.

Subsecs. (b) and (c) authorize the board of school directors of any school district (which goes down presumably to the smallest size) to enter into agreements with other such boards, county boards, other educational institutions, and non-profit organizations - all in the "and/or" form - "for the joint operation of an educational television and/or radio station" (emphasis supplied), subsec. (b), and "for broadcasting", subsec. (c), respectively. Both subsections give the initiative, so to speak, to the board of a school district in making the agreement, and one such school board must be present in any combination for joint operation. Subsec. (c), but not (b), also gives the same power of initiative in making agreements for broadcasting with the same types of organizations to "any county board of school directors", so that it could make an agreement with a county board or other organization described without necessarily including the board of a school district.

The wording of these two sections is very similar, but inasmuch as both were enacted at the same time the differences indicated may be significant. Operating is active, and according to subsec. (b) requires at least one board of a school district and its participation with another organization, single operation not being authorized. Broadcasting is also active - that is, putting the program on the air. But a different aspect of the expression "contract...for broadcasting" could indicate passively receiving the program put on the air by another.

Perhaps the legislature meant by "contract...for broadcasting" the receiving of television programs. But it is also possible that it was distinguishing between the actual technical operation of a station, for which the board of at least one school district would be required, and the activity of "putting on the show" in front of a microphone controlled by other operators, for which there would not be the same requirement according to subsec. (c). Perhaps these are differences in degree or kinds of "operation".

The possibility of such distinctions and disjunctive alternatives has not appeared in the wording of any similar legislation examined. Significantly, in subsec. (d) the department of public instruction is authorized to contract with the same types of organizations "for the purpose of educational broadcasting", which must be different from operating a station, as authorized separately in subsec. (f).

Under subsec. (e) the department of public instruction "and boards of school directors of any school district *or* county board of school directors, *or both,*" (emphasis supplied), "may contract for educational broadcasts..., using State funds or State-administered Federal funds appropriated for that purpose, or private grants or gifts."

Although there seem to be some ambiguities in this legislation, it is clear that the State department of public instruction is authorized both to *operate* and to *establish* a station, that the board of a school district is authorized to *operate* a station *jointly* with one or more of the other organizations described but *not singly,* and that a county board is authorized to *operate* it *jointly, provided* at least one of the collaborators is the board of a school district. Neither of these boards is authorized specifically to *establish* a station, and it must be concluded that the omission of this authority was intentional. Perhaps the department alone has the function of establishing. In any case, activities in the program for educational television would be subject to regulations promulgated by the department to implement the State plan of the State Council of Education.

general
?

RHODE ISLAND. Rhode Island Education Laws, 1959; 1961 Pocket Supplement, General Laws of Rhode Island, Vol. 3.

Powers?
yes

There is no educational television station in Rhode Island and apparently only one channel has been reserved for the State up to the present time. Legislation enacted in 1955 effectively put this channel and any others which might be assigned to the State beyond the reach of any organization except one by Sec. 16-28-2 which provides in part:

> "In addition to the powers granted to it by any general or special public law the state board of education is hereby authorized and empowered:
>
> a. To accept, assume and control the television channel or channels assigned by the federal communications commission to the state of Rhode Island.
>
> b. To adopt such rules and regulations as it shall deem necessary for that purpose.
>
> c. To construct with the approval of the director of administration, and to repair and operate noncommercial educational television facilities which are designed ultimately to extend to and include the entire state."

Other subsections of this statute authorize the State board to enter into contracts for telecasting purposes, to contract with and employ engineers, construction experts, and other classes of persons named, necessary for the execution of its powers. It may fix and collect fees for television services, and "do all things necessary or convenient" to carry out its powers.

Specific

In subsec. f, it is authorized to receive appropriations from the general assembly, grants from any federal agency for the construction and operation of any television facility, and contributions of money, property, and services from other sources for the same purposes.

Thus, the legislature has given a complete program, and the State board of education is the only organization which has authority under it to establish and operate a station.

SOUTH CAROLINA. School Laws of South Carolina, 1952; "Summary of Statewide Laws...", Department of Education, 1961.

Powers

No

There is no educational television station in the State. While there is legislation to provide for films and other audio-visual equipment, and external evidence of extensive use of closed-circuit television for which some films might be "broadcast", there is no legislation dealing with educational television. Authority to establish and operate stations, therefore, would have to be implied from other powers if they are sufficiently broad for that purpose.

It does not appear that such authority could be implied from the general powers of the State board of education provided for in Sec. 21-45. They are very briefly stated and relate to such customary matters as prescribing courses of study, textbooks, the certification of teachers, awarding scholarships, and issuing regulations for the government of the free public schools. Some functions, which in other States might be assigned to a State board with corresponding powers, are performed by the State Educational Finance Commission, which surveys the school system to determine the needs for new construction, equipment, transportation facilities and other improvements, Sec. 21-57.

Nothing is said concerning powers of the State department of education as such, and it obviously functions as the office of the State superintendent of education. He is elected to office, Sec. 21-21, has general supervision over all public school funds, inspection and administrative powers, Sec. 21-23, and reports to the Legislature through the governor, Sec. 21-26.

Similarly, there are no broad powers stated either for school districts or for their boards of trustees from which authority to establish and operate a television station could be clearly and reasonably implied. School districts are bodies politic and corporate, Sec. 21-111, and are "under the management and control of the board of trustees provided in this article, subject to the supervision and orders of the county board of education", Sec. 21-221.

Sec. 21-230 describes the general powers and duties of school trustees, which relate to basic activities such as providing schoolhouses, employing teachers, and visiting schools. The most favorable provisions empower the board to call meetings of the electors of the district for consultation concerning school interests, to "take care of, manage and control the school property of the district", and to manage the educational interests of the district. These might provide a framework within which the declaration of an extensive educational program would take on special significance. But there is no such declaration by the legislature, and in its absence it does not seem reasonable to imply authority to establish and operate a television station.

SOUTH DAKOTA. School Laws of the State of South Dakota, 1961.

There are four reservations for educational television for South Dakota, and one of them has been assigned to the State University of South Dakota, listed as the owner and licensee. There is no legislation, however, relating to this subject.

Sec. 15.0806 authorizes the State board of education to contract with any agency of the United States government for purposes of education, to receive grants from the Federal government for these purposes and expend them under rules and regulations made by the board.

In the absence of specific legislation it might be considered a prospect to establish and operate television stations, provided authority for that purpose could be implied from other powers granted.

The general powers of this board, described in Sec. 15.0803, cover a fairly broad range, including the adoption of all policies for the government of the department of public instruction and for carrying out educational functions of the elementary and secondary schools, prescribing standards for all such schools, suggesting standards for the approval of building plans, prescribing and establishing a "State course of study" and approving "all fields of instruction which may be given in the schools of the State". Under this section, it also has the power and duty to "consider the educational needs of the State and recommend to the governor and the legislature such additional legislation or changes in existing legislation as may be deemed desirable".

The State board, in the process of determining policy for the schools and their educational function, as well as for the department of public instruction, and in establishing a State course of study, might wish to establish and operate a television station. It would have to request funds for that purpose, and the State legislature would have an opportunity to pass upon the subject. It might be considered that the board, which has already been authorized to receive Federal grants, general would have implied authority from its general powers to establish a station and to direct the department of public instruction to operate it. Otherwise, the legislature would take action to provide specific authority.

The case for local school districts and their boards can be somewhat more clearly defined. They have been created especially to exercise operational powers, as in other States of course, but the activities prescribed for them is apparently broader than those of some of their counterparts. The common school districts and county common school districts, which are smaller, can be disregarded here, but powers of the independent and the independent school districts can be considered.

Every independent district, including county independent, is a corporation, Sec. 15.2003, with a school board, the powers of which are described, in part, as follows in Sec. 15.2301:

> "As provided and limited by law, the school board shall have general charge, direction, and management of the schools of the district and control and care of all property belonging to it and shall have power to levy taxes, borrow money, employ any necessary personnel, carry insurance, purchase all necessary books and equipment and purchase real property and erect necessary buildings for the operation of such schools."

Some of these powers are described in detail in other sections, which need not be referred to here. The school board of an independent district has exclusive authority to purchase or lease land for school purposes, Sec. 15.2101, to sell property, real or personal, if no longer needed, Sec. 15.2115, transfer and exchange property, Sec. 15.2116. Sec. 15.2007, relating to a master plan for school district organization and reorganization, contemplates the organization of districts in such a way as to enable each district "to offer an educational program of sufficient scope and quality to adequately expand and develop the interests and abilities of its people".

It seems probable that the general powers of independent school districts, their right to control property, and the policy objective of a progressive program would imply authority, in the absence of specific legislation, to establish and operate a television station.

TENNESSEE. Public School Laws of Tennessee, 1954, codified, and 1955, 1957, 1959, 1961, additions from Public Acts.

Powers
yes

There are eight educational television channels reserved for Tennessee, one of which has been assigned and is owned by and licensed to the Memphis Community Television Foundation. Legislation on the subject was enacted in 1955, the year before this station went into operation, and contains various provisions, some of which could be relevant to this organization. This legislation is found in Public Acts 1955, Chapter 254.

Sec. 2 created the Tennessee Educational Television Commission, composed of the governor, the commissioner of the department of education, and one other citizen selected by the governor and serving at his pleasure. A formula was determined by the legislature, which is still in effect, and the reason for which is expressed as follows in Sec. 1:

> "(c) that the extent to which the State of Tennessee should engage in Educational Television can best be determined by research and experiment in actual telecasting and State funds expended for such research in new means of education and grants in aid to non-profit educational organizations qualified and equipped to conduct such research and experiment is in the interest of economy of use of public funds and is for a public purpose;"

Subsec. (d) of this section appears at first to give a choice as to the nature of the organization which might participate in these activities, since it provides:

> "(d) that non-commercial education of the people of Tennessee being the sole objective of Educational Television stations, whether the applicant is a governmental subdivision, a general welfare non-profit corporation or an educational institution, it is hereby found and declared that the expenditure of funds of the State of Tennessee in furtherance of Educational Television by providing matching funds to aid in the operation of such a station by any agency within this State holding a permit, duly issued by the Federal Communications

> Commission...is in the public interest...and that the necessity and the public interest for the provisions hereinafter enacted is hereby declared as a matter of legislative declaration." (emphasis added)

This provision, however, is actually part of the "inducement" leading up to the legislating and appropriating provisions which follow it. Reference to several types of organizations, therefore, should be taken as descriptive in a non-legislating generalization. This interpretation is corroborated by provisions in Sec. 3 which, in effect, rescind the choice by limiting to one class of organization and even authorize intervention in any attempt of a representative of the class to use a channel in the State. Sec. 3 reads in part as follows:

> "Be it further enacted, That said Tennessee Educational Television Commission shall cause to be conducted research and experiments in education by television, and for this purpose, shall be authorized to grant to any agency solely in Educational Television as defined by the Federal Communications Commission matching funds not to exceed the amount hereinafter appropriated to be used solely as operating funds of such agency as hereinafter provided. Said Commission shall be authorized to intercede in any proceedings concerning the retention, allocation or reassignment of Educational Television channels when in its opinion, such intervention is deemed desirable"..(emphasis added)

The expression "agency solely in educational television" would exclude all organizations within the educational structure of the public school system. None of them could qualify to receive the matching grant to be "used solely as operating funds" because none of them is solely in educational television. If any of them attempted to establish and operate a station without the benefit of such a matching grant, relaying entirely upon finances obtained elsewhere, the Commission could, and no doubt would, intervene to prevent assignment to the applicant of one of the stations reserved for the State.

Furthermore, it must be concluded that the presence of the commissioner of the department of education on the commission amply protects the interests of the school system, in the opinion of the legislature. And there is also the implication, from provisions for matching funds on an even basis, that the legislature did not wish to rely entirely upon tax revenues, state and local, for the experimental work with general ? television during the present period, as would necessarily result from operations by an organization in the school system.

The conditions to be met by a non-profit organization engaged solely in educational television, in order to qualify for matching funds under this legislation, are set forth in detail in Chapter III, ante.

TEXAS. Vernon's Annotated Revised Civil Statutes of the State of Texas, 1951, with 1961 Cumulative Pocket Part, Vol. 8, Title 49.

There are 18 channels reserved for Texas, of which four have been Powers? yes assigned to owners and licensees as follows: One to a foundation, one to a television "council", one to the University of Houston Board of Regents, the authority of none of which is relevant here, and one to Richardson Independent School District, in Richardson, Dallas County, Texas. There is no legislation on the subject of educational television, but there is some legislation which can immediately narrow the scope of inquiry concerning legal authority.

Article 2654-1, Sec. 1 establishes the "Central Education Agency composed of the State Board of Education, the State Board for Vocational Education, the State Commissioner of Education, and the State Department of Education." The section provides further:

> "It shall carry out such educational functions as may be assigned to it by the Legislature, but all educational functions not specifically delegated to the Central Education Agency shall be performed by County Boards or District Boards of Trustees." (emphasis added)

Inasmuch as the statutes are silent on the subject of educational television, which would seem to be if not an educational function then at least an incident of an educational function, it appears that the Central Education Agency and all of its components, as described above, would be without authority to establish and operate a television station.

Another provision would seem to deprive local school districts and boards of unrestricted authority for that purpose, except under circumstances indicates. Sec. 3 of the same Article, 2654-1, reads in part:

> "The Central Education Agency shall be the sole agency of the State of Texas empowered to enter into agreements respecting educational undertakings, including the providing of school lunches and the construction of school buildings, with an agency of the Federal Government, except such agreements as may be entered into by the Governing Board of a State university or college. No County Board of Education or Board of Trustees of a school district shall enter into contracts with, or accept moneys from, an agency of the Federal Government except under rules and regulations prescribed by the Central Education Agency. (emphasis added)

While an application to the Federal Communications Commission for authority to construct a television station is not, strictly speaking, a contract, it nevertheless has several incidents of a contract and might be so construed. The applicant must have the kind of legal capacity required, it must make representations concerning that capacity, its financial status, its purposes, and other matters. These are material and serve as inducements to the Commission to exercise favorably its discretion to issue a construction permit or license. The applicant must waive whatever claim it may have, based upon prior use of any particular frequency - which is in the nature of "consideration". It is not mandatory on the Commission to issue a permit or license, and in doing so it is giving a "consideration" in exchange for the undertakings and representations of the applicant.

From this, it would appear that no county board or board of trustees could apply for a license and make the necessary undertakings with this Federal agency except under favorable rules and regulations prescribed by the Central Education Agency, as provided in Sec. 3, Article 2654-1, referred to above. No such rules have been found in the publication, Policies of the State Board of Education, bearing the imprimatur of the Texas Education Agency, which was issued in August 1958, and no other such rules or regulations have been found.

Yet the Richardson Independent School District applied for a license in 1959 and got it: Perhaps it obtained special permission from the Central Education Agency, but this is not recited in its application.

The only legal authority cited in the application, in addition to transcripts of the necessary board resolutions, are Articles 2722 and 2783 of the Public School Law Bulletin, 1956, then in force.

Article 2722, which is the same now as when the application was made, does not seem to be immediately relevant, inasmuch as it relates to powers of a county board, not to powers of the board of an independent school district. Article 2783, which is also the same now as before, reads:

> "That the board of education or board of trustees in each and every incorporated city or town having a population of 100,000 or less...which has...control of the public free schools therein.../regardless of any of the several ways described in which such control might have been acquired/...shall hereafter have and exercise authority to control and manage the public schools of such city or town; and in the exercise of such authority the said board of education or board of trustees shall be independent of the municipal government of said city or town, and the Municipal authorities of such city or town shall have no further control, jurisdiction or authority over the public schools thereof under the provisions of any law, general, special, or local, or the provisions of any charter of such city or town." (emphasis added)

The language underscored above was quoted in the application and is immediately relevant to the question of autonomy and the control of school property. Unfortunately, however, the same language appears in other statutes in the collection of school laws, so that it is not possible to state positively that Article 2783a was the one intended by the applicant. This Article and Articles 2783b, 2783c, 2783d, and 2783e, each with several sections, comprise some fifteen pages of legislation dealing with different kinds of independent school districts which are released from control of municipal authorities, and with incidents of release such as assumption of title to property, obligation for outstanding indebtedness, authority to tax and to issue bonds. Taken together, this group of Articles makes a coherent whole. Whether or not it was the intention of the applicant to cite the whole group, it is relevant here and is used as part of the authority cited in this analysis.

It is difficult, however, to cite appropriately the sections describing general powers of the applicant or of similar local districts and boards in Texas. This, apparently, is due in part to provisions in Sec. 3 of Article 2654-6, stating that the department of education "shall have no power over local school districts except those specifically granted in statute" and due in part to legislation made necessary by that provision.

Since 1949, when this provision was enacted, the number of school districts has been reduced from some 4,474 to some 1,539, of which 1,009 are independent. This reduction has been accomplished not by any statutory formula, as provided in many States, and not by order of the department of education or State board, as in some States, since that is prohibited as indicated above. The whole redistricting process has been accomplished by a long series of legislative enactments.

These statutes, because of Constitutional prohibitions against certain types of local legislation, have been drafted in general terms so as to appear to be class legislation, although in many cases which need not be described here they can apply to only one district. School districts of different types, such as county, county-unit, common line, common, independent but with municipal control, independent but released from municipal control, and independent reverted to some previous control, have been described in general terms of a class according political status, total population, school population, valuation of property and otherwise. Corresponding legislation has been enacted to provide for authority to tax and issue school bonds, as districts have been shifted from one "class" to another and to different status within "classes", but general powers have not been completely described. The result is the most confusing accumulation of legislation on classification of districts and description of powers, and apparently the most complex system of school districts, of any State in the Union.

It is not possible, without external evidence, to determine which legislation applies to which school district. It seems probable, however, that Richardson Independent School District would fit into the class, fortunately large in this case, of an independent school district in an "incorporated city or town having a population of 100,000 or less", as described in Article 2783a, Sec. 1. The powers are not extensively described there, but under Article 2772, if a city or town, exercising control over schools through municipal authorities, votes to give exclusive control to a board of trustees, then the board constitutes a body corporate and has full power to protect the title, possession and use of all school property in the jurisdiction. Article 2783a, referred to above, applies to such a release of municipal control.

There is no reason to believe that the powers of a board of trustees of an independent school district, released from municipal control, should be less than the powers of a county board of trustees, which in many cases has control of a district with a very small school population. Article 2722 describes the general powers of a county board of trustees, and was cited by the applicant to describe its own powers as an independent school district. It seemed inappropriate for that purpose, because of difference in types of school districts. Still, under the circumstances described, it is reasonable to rely upon this as a fair description of the general powers of the applicant and of many other school districts similar to it. It reads as follows:

> "Said board shall have the right to purchase, acquire by the right of eminent domain, lease, receive, hold, transmit and convey the title to the real and personal property for school purposes, except where otherwise provided. It shall have the power to sue and contract, all contracts to be made after resolutions have been adopted by the board and spread upon its minutes. All processes shall be executed by service on the executive officers of the board."

In general, school districts in Texas have very extensive authority over school affairs, including the prescription of courses (e.g. Articles 2714 and 2911), and a minimum of interference from school officials at the top level, Article 2654-1, Sec. 1. As indicated above they have complete control over school property, right to tax and issue bonds, and corporate powers.

It seems entirely reasonable, therefore, to imply authority from such general powers to establish and operate a television station under proper circumstances. The only obstacles would be the necessity of obtaining financial support, which was more than adequately met by the Richardson Independent School District, and the necessity of obtaining permission from the Central Education Agency to "enter into contracts...with an agency of the Federal Government". This could be provided by general regulations, now lacking, or by special authority for the particular applicant.

general

This Agency is authorized freely to enter into agreements with agencies of the Federal government "respecting educational undertakings". But without new legislation, or a new definition of "educational functions", it appears that neither it nor any of its components has authority to establish and operate a television station.

UTAH. School Laws of the State of Utah, 1961.

Powers? NO

There are five channels reserved for Utah, of which three have been assigned to owners and licensees as follows: One to Utah State University of Agriculture and Applied Science (not yet in operation), one to the University of Utah, and one to Weber County School District. There is no legislation in the State relating to educational television.

In Sec. 53-2-12 the general powers and duties of the State board are simply stated:

> "The general control and supervision of the public-school system is vested in the state board of education. It shall adopt rules and regulations to eliminate and prevent all unnecessary duplication of work or instruction in any branch or division of the public-school system and shall require the governing boards of all branches and divisions of the public-school system to put the same into operation."

General

These general powers are supplemented by duties described in Sec. 53-3-2 as follows:

> "The state board of education shall be charged with the administration of the system of public instruction, and with general superintendence of the district schools of the state and of the school revenue set apart and appropriated for their support."

The State board appoints the superintendent of public instruction, Sec. 53-3-1, and he performs such duties as it may require, in addition to acting as executive officer for the board with power to investigate all matters pertaining to the public schools, Sec. 53-3-2. There are no special provisions relating to the department of public instruction, although one is functioning under that name.

The State board is directed, by Sec. 53-2-11, to meet not less than eleven times a year, which is much oftener than most State boards meet and which suggests greater activity than for some of them. There are several provisions, however, which suggest that the legislative plan did not contemplate any considerable participation by the State board in operational activities in spite of the preponderance of its power at the top level. For instance, Sec. 53-2-14 provides only that the State board "promote" the establishment of libraries and gymnasiums throughout the State and employ expert help to "promote the same", instead of directing the board "to establish". The details of the report which the State superintendent is required by Sec. 53-3-5 to make biennially to the governor, on the administration of the school system, suggest that both he and the State board are to leave operational activities to the schools, which is in the customary pattern.

The State board is authorized by Sec. 53-2-32 to accept grants and gifts for educational purposes, and the State board and the State superintendent were designated in Sec. 53-1-11 as the State educational authority to make and administer plans for distributing funds allocated to the State under the Federal Aid to Education Act of 1939. Also Opinion 448 of the Attorney General, December 18, 1958, held that the State may accept federal aid under NDEA, Titles V, VIII, Sec. 1009 of Title X and under Title III with the exception of Sec. 305 dealing with loans to private schools, and that the State board of education is empowered to receive, allocate and disburse this aid. Such provision are not conclusive, however, in themselves.

Several sections in Chapter 14, relating to courses of study, outline broad and progressive programs, but the general tenor of them is that agencies at the top level supply instructive material and leadership concerning them, and encourage the school districts to take appropriate action. The handling of Federal grants, and the making of State allocations of aid to schools, could still be accomplished for the purposes desired by encouraging action by school districts without participating in it.

There is a general tone in the school code, even though not emphatically expressed, that the legislature intends for the school districts to have considerable independence in their activities. For instance, a provision in the Constitution, itself, states that "Neither the Legislature nor the State Board of Education shall have power to prescribe textbooks to be used in the cmmon schools", Article X, Sec. 9. And Sec. 6 of the same Article, added as long ago as 1900, provides that "In cities of the first and second class the public school system shall be controlled by the Board of Education of such cities, separate and apart from the counties in which said cities are located," instead of leaving them in county units which might seem to be more susceptible to control from higher officials in the school structure.

In short, it does not seem very probable that a Utah court would imply authority, from the general powers and other powers of the State board, to establish and operate a television station itself. The same objective could be accomplished in other ways, under existing law, and if the legislature is not satisfied with the effectiveness of those other ways it will enact new legislation.

?

The board of education of every school district in the State is a body corporate, may sue and be sued, and "may take, hold, lease, sell and convey real and personal property as the interests of the schools may require", Sec. 53-4-8. There are two kinds of school districts, those for counties, single or consolidated, Sec. 53-4-1, and those for cities of the first and second class, Sec. 53-4-4. All board members are elected, Sec. 53-5-7.

General powers of school boards are described in Sec. 53-6-20, which reads in part as follows:

> "Every board of education shall have power and authority to purchase and sell schoolhouse sites and improvements thereon, to construct and erect school buildings and to furnish the same, to establish, locate and maintain kindergarten schools, common schools consisting of primary and grammar grades, high schools and industrial or manual training schools, to establish and support school libraries, to purchase, exchange, repair and improve high school apparatus, books, furniture, fixtures and all other school supplies...may do all things needful for the maintenance, prosperity and success of the schools, and the promotion of education; and may adopt by-laws and rules for its own procedure, and make and enforce all needful rules and regulations for the control and management of the public schools of the district." (emphasis added)

This section, and the words underscored above, together with Sec. 53-4-1 relating to the establishment of county school districts, were the only citations given by the Weber County School District, except a transcript of the resolution of its board, to show legal authority for its application to the Federal Communications Commission, which was approved.

It appears that any school district, with adequate financial support, would have implied legal authority to establish and operate a television station.

The University of Utah, in support of its application for construction and operation of Station KUED, which was approved, gave the following citations for its legal authority: Laws of Utah 1892, page 8; Constitution of the State of Utah, Article I, Section 4; Utah Code Annotated, 1953, Vol. 5, page 641, Sections 53-31-1 to 41. It also submitted a certification from the Attorney General that it "may own and operate a television station under proper permit".

VERMONT. Vermont Education Laws, reprint from Title 16 and others, Vermont Statutes Annotated (no date, probably 1960)

Powers?
NO

One channel has been reserved for Vermont, but no assignment of it has been made. The State has a Commission on Educational Television, but from the beginning the appropriations to it have been very small, the last one in 1959 amounting to only $2,000. Apparently it has only a study or exploratory function to recommend the best way of developing this facility, probably in collaboration with neighboring States.

The State board of education, in its biennial report for the period ending in June 1960, submitted its budget for various items, including total allocations of only $263,886 for 1962 and $266,673 for 1963 for the State board itself. In justification for these allocations, it listed some 18 activities of the board, including "State leadership in audio-visual education and school television programs". This is not sufficient for any extensive activity for educational television, since all of its other activities at the top level must also be covered by the sume requested. Inasmuch as the other items in the budget were clearly earmarked for other purposes, and the 18 activities listed included activities of the department of education, it seems clear that there are no current plans for the State board, the department of education, or the commissioner of education (who is appointed by the board, Ch. 5, Sec. 201), to apply in the name of any of them to construct and operate a television station.

The department of education, which is a small organization, is empowered by Ch. 1, Sec. 1, "to supervise and direct the execution of all laws relating to education". Ch. 1, Sec. 2 provides:

> "The board of education, the commissioner of education and the superintendents shall direct and control the educational system of the state and shall require the enforcement of the laws governing the administration of school affairs and the attendance of pupils."

The general powers and duties of the State board are described in Ch. 3, Sec. 143, in part, as follows:

> "(a) The board shall have supervision over and management of the public educational system, except as otherwise provided; and,through the commissioner of education, shall:
>
> (1) See that the laws for the effective operation of schools are enforced;
> (2) Supervise the expenditure of all state money expended under the provisions of this title, and inspect all institutions in which or by which such money is used, and prepare a budget for such expenditure;

(3) Provide a method whereby the people may be informed as to the educational conditions and opportunities within the scope of public instruction, and for such other educational publicity as may, in the judgment of the board, contribute to the enlightenment and well-being of the citizens of the state;

(4) Provide for all proper educational gatherings, institutes, summer schools and other like supplementary educational activities and for cooperation with the free public library commission;

(5) Locate and establish without expense to the state a central normal school or school of education whenever suitable buildings, or adequate funds for the erection of the same, are provided by private gift or bequest;

(6) Receive and use money from private persons or from educational or benevolent funds either for individuals, local institutions or for schools in a supervision district or for general educational purposes, provided in its judgment such use is consistent with the best interests of the state; and

(7) Make and promulgate regulations necessary for the execution of its powers and duties and of the powers and duties of all officers under its supervision or control.

(b) The board shall employ such inspectors, lecturers, clerical assistants, and other officers and may publish and distribute such books and circulars of educational information as it deems proper."

The citation of Opinions of the Attorney General, No. 279, of Sepatmber 3, 1958, given under this section is relevant to the present inquiry on authority. It held that in the absence of a provision in the budget or specific appropriation, this section does not include authority to give in-service training for employees of the department of education.

Whether or not the reference to "State leadership in...school television programs" in the budget justification described above would be considered sufficient to authorize expenditure of funds for any marginal activity connected with the establishment of a television station, this opinion of the attorney general suggests a rather narrow construction of the general powers of the State board. Furthermore, the powers are not impressive in scope, and there is no accompanying declaration of broad educational objectives which might give added significance to them. Even though the State board is authorized in other sections to accept and distribute State appropriations for school aid and Federal grants for certain educational purposes, this function is not conclusive when not accompanied by other powers of considerable scope.

It appears, therefore, that there is little or no probability that the existing powers of the State board, or the lesser powers of the department of education or the Commissioner, could support implied authority to establish or operate a television station.

Traditionally in New England, there is relatively greater local control in school affairs than in some other States. However, there is also a greater division of functions at the local level, so that activities assigned to voters and municipal authorities there detract in some degree from the kind of concentration of powers of school districts and their boards found in some other jurisdictions. The same end results can probably be achieved, but they often require joint action from several sources instead of single action from one. This is the situation in Vermont, but it would not necessarily bar final action by certain school districts to apply for a license, after voters and municipal authorities had participated beforehand in their respective roles.

By specific provision of several statutes, the powers of the prudential committee of an incorporated school district, Ch. 9, Sec. 492, the joint board of school directors of a union school district, either elementary or high school, Ch. 11, Sec. 616, and the board of directors of an interstate high school district, Ch. 13, Sec. 739, are the same as the powers of the board of directors of a town district, Ch. 9, Sec. 386, except when the nature of the organization does not permit. The provisions of Ch. 9, Sec. 386 read as follows:

> "(a) The board of school directors shall have the care of the school property of the town school district and the management of its schools and keep the schoolhouses suitably repaired and insured.
>
> (b) The board may receive and use in behalf of the town school districts gifts of real estate, money, material and equipment for school purposes as the interests of efficiency and convenience may warrant.
>
> (c) The board shall examine claims against the town district for school expenses and draw orders for such as shall be allowed by it, payable to the party entitled thereto. Such orders shall state definitely the purpose for which they are drawn.
>
> (d) The board of school directors may draw orders for loans without interest to the town general fund and the board of selectmen may draw orders for loans without interest to the town school district fund, said loans to be secured by notes signed by the board of selectmen or the school directors as the case may be, and stipulating the terms agreed upon between the board of school directors and the board of selectmen. Such notes shall be payable on demand or mature within three months from date of issue.
>
> (e) The board shall make regulations not inconsistent with law as to carrying the powers granted it into effect."

Likewise, provisions for raising funds for school districts and for the control of property belonging to the districts are essentially the same for all school districts, acting singly or as components or unions. The town clerk, Ch. 9, Sec. 411, and the town treasurer, Ch. 121, Sec. 3223, are ex officio clerk and treasurer, respectively, of the town district, and coordinate procedures. The grand list of a town district consists of 1% of the value of appraised taxable property, added to the taxable polls, Ch. 121, Sec. 3221, and at each annual meeting "each town district shall vote such sum of money as it deems necessary for the support of schools therein and shall express in its vote the specific sum or rate per cent on a dollar of its grand list voted for deficit, if any, for current expenses, capital improvements or other lawful purposes, if any", Ch. 121, Sec. 3222. Taxes are collected through municipal authorities and kept in special accounts, Ch. 121, Sec. 3223, except in the case of incorporated school districts which are small and need not be considered. The selectmen have charge of the real and personal estate appropriated to the use of schools in the town, unless otherwise especially provided, Ch. 121, Sec. 3261.

Ch. 129, Sec. 3741, reads:

> "Each town district shall provide, furnish, maintain and control schoolhouses suitable for schools under the provisions of this title. When so authorized by the town district, the board of school directors shall have power to lease or purchase buildings or sites for schoolhouses, locate and erect schoolhouses, and sell or otherwise dispose of schoolhouses or sites for same, and for such purposes a district may raise a tax on its grant list."

Ch. 129, Sec. 3743 directs the board to select and provide all textbooks, appliances and supplies required for use in the elementary schools and for pupils taking the first two years of the junior or junior-senior high school course, in the town district; "and the same shall be paid for by such district".

These several sections apply by incorporation to the school boards of other districts.

While there is no central control of all functions at the local level, it seems possible that with proper financial support, voting on a proposed expenditure by the voters, collection of funds and management of property by the municipal authorities, a local school board might find implied authority to establish and operate a television station. However, it does not seem likely. It seems more likely that an organization like the University of Vermont would be selected through the political process as the one to establish and operate a station to use the single channel reserved to the State.

VIRGINIA. Virginia School Laws, 1958, and 1960 Cumulative Supplement; Ch. 428, Acts of Assembly, 1962.

Powers? yes

Of the five channels reserved to the State, only one has been assigned. It is owned by and licensed to the Hampton Roads Educational Television Association. The Educational Television Station Facilities Construction Act, Ch. 428, Acts of Assembly, 1962, House Bill 210, enacted this year by the legislature and discussed in detail in Chapter III, ante, established in the office of the governor the Advisory Council on Educational Television to deal with this subject. The provisions of this Act are not necessarily the final statement of legislative purpose, and the powers of the commission fall short of the powers of bodies created in some States to deal with this subject. But they set a pattern which will probably have the effect of bringing all matters relating to educational television under the control, at least temporarily, of this newly created council.

Specific

The Act did not provide, for instance, that all channels reserved now or in the future for educational television in the State shall be under control of this or of any other State agency. Theoretically, therefore, applicants to the Federal Communications Commission might disregard the existence and the activities of the council and seek to establish and operate one or more stations independently of it. This is highly improbable, however, because the Commission would no doubt take cognizance of the new legislation and its purpose, any such applicant would forfeit the chance to get State or Federal aid, and the local machinery for issuance of building permits could be used on order of State officials to prevent any construction work. For the time being, therefore, all applications to the Federal Communications Commission for licenses to establish and operate a station will have to be coordinated with the activities of Advisory Council on Educational Television.

The council is directed by Sec. 6 of this Act to "make an inventory of existing facilities for educational television, to survey the need for construction...and to develop a program for the construction of such public and other non-profit facilities...as will furnish adequate educational television programs throughout the State".

Under Sec. 8 it is required to make public "a State plan which shall include...the construction program developed under this act and which shall provide for the establishment, administration, and operation of a program of educational television facilities construction activity in accordance with the regulations adopted under this act..." (emphasis added) This suggests that the State plan will go beyond the construction program alone, but irrespective of this, regulations which the council is authorized by Sec. 4(a) to issue, and which are referred to in Sec. 8, could be used to effect complete control of any construction program.

The State board of education is directed to cooperate with the council and "furnish such services as may be agreed upon including a secretary for the Council", Sec. 8. The State plan must list construction projects in the order of a priority established by the council, Sec. 9, applications for projects must be submitted to it, Sec. 10, and after hearing it may approve, Sec. 10.

Some details have not been set forth, but this legislation presents a coordinated plan, from which no State agency, certainly, could hope to deviate. One purpose, expressed in Sec. 3, is for "assisting counties, cities and towns and the school authorities thereof in the construction, establishment, operation and use of such facilities and programs broadcast therefrom". But the method of assisting has not been fully clarified.

The Virginia legislature has not given authority, as some State legislatures have done, to specific school organizations, such as

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school districts, or local boards, or the State board, to establish and operate a station, and there is no other legislation dealing with the subject. The only function of the State board mentioned in the act is to cooperate, but the nature of the cooperation, beyond supplying a secretary, is not explained.

It appears that, irrespective of the decision concerning the type of organizations which may be approved by the council under the plan, it would be unreasonable at present to imply from any general powers of the State board, or of any local board, authority to establish and operate a television station. There will necessarily be a period of waiting while the council makes its survey and plan, and then by regulations it can clarify the question of what kind of organization would be favorably considered as an applicant.

The Act referred to indicates the legislative purpose of limiting State support to 33 1/3 per cent of the construction cost, Sec. 14, with no provision for operating costs. If this program is adhered to and there is no further legislation on the subject, the State board would be eliminated from consideration, inasmuch as it is fully supported by State funds and could anticipate only a fifty per cent contribution under the new Federal legislation, not the 66 2/3 per cent required by the present formula.

On a matching fund basis for State and Federal contributions, a local school district would have to supply 33 1/3 per cent from local resources. Strictly speaking, this would represent two-thirds contribution by the State, inasmuch as local taxes are raised under State authority delegated to local officials, thus barring local school districts from participation. But it is possible that a different interpretation might be given to the meaning of State support.

It seems probable that the State is seeking to tap private resources for the development of educational television and could accomplish this most easily through favorable consideration only of some such private organization as that already operating at Hampton Roads. Local school boards could subscribe to the services provided, under their supply powers, without becoming involved in the actual operation of a station.

WASHINGTON. Educational Manual, 1960 (containing laws of education in the Revised Code of Washington)

Powers? NO

There are ten channels reserved for Washington, of which three have been assigned. Owners and licensees of stations are shown as follows in the Directory, 1962: PREC-TV, Clover Park School District No. 400; KCTS-TV, University of Washington, the first one licensed; and KTPS-TV, Tacoma School District No. 10.

There is no legislation on the subject in the State, but there is a brief reference to it in a regulation of the State board. This appears in Policies and Regulations of the State Board of Education Respecting Apportionment or Allotment of State Funds for Financing Public Education, Appendix E. It describes a service provided by the Office of the Superintendent of Public Instruction and State Board of Education (corresponding to the department of education, as follows: Library, Audiovisual, Educational Television Service. Organizing, managing and supervising service to students and faculty members... in...educational television media, this service to include in-service training activities designed to promote better instructional methods, the use of new media and techniques. Authority to establish and operate a station must, therefore, be implied from other powers.

There is no department of education established by statute as an entity. Although there is an office of the superintendent of public instruction and State board of education functioning in that capacity, it can be disregarded as a prospective applicant for a license, since it could show no legal authority.

The State board of education is not as strong in this State as in many others, and is not a likely prospect as an applicant by reason of its limited powers and lower rank in the hierarchy. Sec. (35) RCW 43.63.140 describes its powers and duties. Some relate to institutions of higher education, two to teachers' certificates, one to hearing appeals, and one to defining the meaning of the word "education" in connection with the interpretation of the State's constitutional obligation to make ample provision for the education of all children in the State. The only powers and duties relating immediately to the elementary and secondary schools are: to examine and accredit secondary schools; prepare outline courses for different levels and make rules for the general government of the schools; to prepare uniform questions and answers for use in examining pupils; to arrange courses so as to coordinate instruction at several levels; and to prepare courses on physical education.

While the State board has other powers, provided in other sections, such as participating in the redistricting of schools and making rules for distribution of Federal funds, it does not have control functions over general educational activities or the disposition of other resources. The establishment and operation of a television station would not be consistent with the kind of powers which the legislature has given to the State board, and no authority for that purpose could be implied from its present powers. New legislation would be required.

The superintendent of public instruction is elected to office, Sec. (20) RCW 43.11.010, is a member of the executive department of the State, Article III, Sec. 1, State Constitution, and has power to appoint assistants and officials, Sec. (21) RCW 43.11.020. His general powers include a full range of administrative functions, and the power "(1) To have supervision over all matters pertaining to the public schools of the state" and "(7) To act as ex officio president of the state board of education", Sec. (22) RCW 43.11.030. He also has powers conferred by other provision, including the power to represent the State in the receipt and administration of Federal funds provided for education, RCW 28.47.020. He obviously has control of the staff which he appoints, corresponding to the department of education, and is not subject to control of the State board. His position is thus much stronger than that of his counterparts in most other States.

Yet it is believed that he would not be an appropriate applicant for a license to establish and operate a television station. The only general power from which authority for such action could be implied is "supervision over all matters pertaining to the public schools of the State", which indeed seems very inclusive. But the pattern of other powers does not suggest a function other than administrative, and no broad plan of educational activities at the top level has been provided by the legislature with any suggestion that he might take an operational part in it. Furthermore, as an individual, elected to office, he could not provide the permanence required for exercising a function for the State in owning and operating a station.

Local school districts, essentially operational in character, theoretically might all be considered appropriate applicants. But the small ones would automatically be eliminated, whatever their general powers from which such authority might be implied, because they would lack financial resources. For the same reason, those in the middle range of size should probably be eliminated. But even if two stations had not already been licensed to local school districts, it is clear that the general powers of the larger districts could support an implication of authority to establish and operate a station.

All school districts constitute a body corporate with corresponding powers, can sue and be sued, purchase, hold, and sell personal property and real estate, and enter into such obligations as are authorized by law, Sec. (437) RCW 28.58.010. Local taxes may be levied to aid in the support of the schools, Sec. (213) RCW 28.44.020. The board of directors of any school district may borrow money and issue negotiable coupon bonds therefor for several purposes enumerated, including the erection of buildings authorized by law and providing the necessary furniture, apparatus, or equipment, Sec. (340) RCW 28.51.010.

Any school district in the State having a population in excess of 10,000 is a school district of the first class, Sec. (405) RCW 28.57.140. Second class districts are those maintaining a high school or having a third class city or town, or having an area of one square mile with a population of at least 300; all others are third class districts, ibid. The two latter classes can be disregarded.

General powers of every board of directors, irrespective of the type of district, are enumerated in Sec. (454) 28.58.100 and are adequate for control and operations. They include power to employ teachers, laborers, mechanics, and others, and to "purchase personal property in the name of the district and receive, lease, issue and hold for their district real and personal property". A citation under this section refers to Opinions of the Attorney General, Nov. 25, 1914, holding that a determination of what constitutes "adequate provision" for the education of pupils is committed by statute to the board of directors of the school district acting under expressed or implied powers, and that neither the county superintendent nor the court is vested with power to control the board in this matter.

Sec. (539) RCW 28.62.180 describes additional powers of the board of directors of a first class district, which, among other things, may: prescribe a course of study and a program of exercises not inconsistent with courses prepared by the State board; adopt and enforce rules deemed essential to the well-being of the schools, and establish and maintain such grades and departments, including additional classes described, as shall in the judgment of the board best promote the interests of education in the district; employ a business manager, attorneys, an architect, inspectors of construction, and other employees described.

This range of powers is ample to imply authority of the board of a first class district to establish and operate a television station in the name of the district. Both the Clover Park School District No. 400 and the Tacoma School District No. 10 are districts of the first class, and would have authority under the sections referred to above. The citations which they gave in their applications were to laws of 1890, 1909, and one of 1941, which, however, have not been identified with the more recent statutes referred to above, because of differences in the system of numbering.

WEST VIRGINIA. School Laws of West Virginia, 1958 (reprint from Chapter 18 of the West Virginia Code)

There are four channels reserved for West Virginia, but none has been assigned. There is no legislation relating to educational television, and whatever authority an educational organization might have to establish and operate a station would have to be implied from other powers granted to it.

In an amendment to the Constitution, recently adopted, Article XII, Sec. 2 provides, in part: "The general supervision of the free schools of the state shall be vested in the West Virginia board of education which shall perform such duties as may be prescribed by law". By provisions of the same section, the State board is directed to select the State superintendent of free schools "who shall serve at its will and pleasure".

Sec. 1749 establishes the department of education, but provides no particular authority for it. Both the department, therefore, for lack of clear legal authority, and the State superintendent, because of subordinate position and for lack of continuing institutional existence, can be eliminated from consideration. Possibilities are thus narrowed to the State board and to one or more county boards in the county-unit system.

Under provisions of Sec. 1726, the State board is a corporation, with power to sue and be sued and enter into contracts. It shall make rules for the classification and standardization of all schools in the State, except the West Virginia University, Sec. 1731, has general control, supervision and management of the business and educational affairs of certain State colleges listed, Sec. 1738, and has title to all property of those institutions, Sec. 1738(1).

Its general powers and duties, with reference to the elementary and secondary public schools are described in Sec. 1730 as follows:

> "Subject to and in conformity with the constitution and laws of this State, the state board of education shall determine the educational policies of the State, except as the West

> Virginia University and Potomac State School, and shall make rules for carrying into effect the laws and policies of the State relating to education, including rules relating to the physical welfare of pupils, the education of feeble-minded and physically disabled or crippled children of school age, school attendance, evening and continuation or part-time schools, school extension work, the classification of schools, the issuing of certificates upon credentials, the distribution and care of free textbooks by the county boards of education, the general powers and duties of county boards of education, and of teachers, principals, supervisors and superintendents, and such other matters pertaining to the public schools of the State as may seem to the state board to be necessary and expedient." (emphasis added)

Sec. 1732 provides in part:

> "The state board of education shall prescribe minimum standards in the courses of study to be offered in elementary schools, high schools, vocational schools, and in all other kinds, grades, and classes of schools, or departments thereof, which may now or hereafter be maintained in the State, in whole or in part, from any state fund or funds..."

Sec. 1870 authorizes the State board to accept for the State and expend for the purpose designated any funds that may be made available "to the board" out of the Federal treasury for the use and benefit of State colleges "and other state institutions under the direct control and supervision of the board, or for any other educational purpose". However, similar authorization is given to the State superintendent with respect to Federal funds made available to "the state department of education" or to him "for current expense, capital outlay, free textbooks, or any other educational purpose in local public school units, or for any other educational purpose".

Taking all provisions together, it appears that it might be possible to imply authority from them for the State board to establish and operate a television station. In order to do this, of course, it would have to ask for an appropriation from the legislature, which could then pass upon the subject.

Under the county-unit system throughout the State, each county school district is "under the supervision and control of a county board of education", Sec. 1762, which is a corporation, and as such may sue, be sued, and enter into contracts, and which holds title to all school property, both real and personal, Sec. 1766. It may also dispose of school property by sale and may lease for oil or gas or other minerals any lands or school sites owned in fee by it, Sec. 1768. The board is directed to provide: by purchase, lease, building or otherwise, a sufficient number of suitable schoolhouses and other buildings to meet the educational needs of its district; the necessary furniture, fixtures, apparatus, fuel and all necessary supplies for the school; for the repair and good order of the school grounds, buildings and equipment, Sec. 1770.

It has power "to control and manage all of the schools and school interests of the county..." and establish or consolidate schools, Sec. 1774, establish and maintain evening classes, continuation or parttime schools, Sec. 1780, or classes for adult education, Sec. 1780(2), or school libraries, Sec. 1781.

A statement appearing in one of the many provisions for State aid to schools shows one of the "specific purposes" of the legislature with respect to local districts and boards, as follows:

> "To give to each county every possible incentive to the constructive development of its school system, and to place with the county boards of education the responsibility for the preservation and improvement of the standards of local education." (Sec. 1862(1), par. 3)

Authority of a county board to establish and operate a television station could very reasonably be implied from the several powers referred to above and from the function of the board in the school system as defined by the legislature in the statement above. One county district has a school population of over 60,000; there are three with more than 20,000; and several others with substantially more than 10,000. In fact, a much better case can be made for the local school boards, for which there would be a strong probability of implied authority, than for the State board, for which there would be only a possibility. It would no doubt borrow some support from its corporate character and from its ownership and control of property of several State colleges, some one of which, perhaps, it might designate to operate a station for the joint benefit of programs for teacher training and programs for instruction in the public schools. This same dual function, however, could be performed by the West Virginia University, not under State board control, acting on its own authority.

WISCONSIN. Laws of Wisconsin Relating to Public Schools, 1959.

Powers?
No

Twelve channels have been reserved for Wisconsin, and two of them have been assigned to owners and licensees of stations as follows: WHA-TV to the University of Wisconsin in Madison, and WMVS-TV to the Board of Vocational and Adult Education in Milwaukee. There is no legislation in the State relating to educational television, and it is difficult to determine what authority might be implied from general powers for organizations or officials in the public school structure to establish and operate a television station.

Under Wisconsin law, as reflected in a number of different statutes on such subjects as creation or change of school districts, taxation, apportionment of costs, and calling of elections or referenda to determine questions relating to schools, it is the political unit and not the educational unit which takes definitive action. There is no specific provision to indicate that either the school district or its corresponding board is incorporated, as in many States, with power to sue, levy taxes, or issue bonds for buildings or meeting costs of education. Necessary action is taken by the political unit.

In common school, union high school, unified, and certain city school districts, Sec. 40.01(3), a special ad hoc building corporation is organized to attend to any necessary building operations, Sec. 40.305(1) and (5). School boards in such districts have power to purchase school supplies, but subject to approval of the State superintendent or the county superintendent, and with a limit on amount, Sec. 40.30(15). Sec. 40.301 authorizes any of such boards to accept and use gifts of equipment, supplies, and money, but there is no indication that the property does not belong to the municipal unit, and in Sec. 40.80 it is provided specifically that title to real property acquired by a city school district shall vest in the city.

Voters have an active voice in the affairs of common school districts, Sec. 40.22, and of the others referred to above in which there are the same powers. They vote at the annual meetings on a number of questions, such as taxes to purchase, equip, furnish and maintain schoolbuildings, taxes to operate schools, taxes to pay school debts, taxes for the creation of a sinking fund for capital expenditures, and similar questions, ibid. Like the town meetings in some New England school districts, they could probably vote to establish and operate a television station, and provide funds for its operation. However, there is too great a dispersion of power at the operating level to single out any statutory provision or likely combination of them from which authority could be clearly implied for this purpose. The basic reason is that action would have to be joint, through combination of the respective functions of the voters, the boards, and the municipal authorities who collect the taxes and issue the bonds.

In cities operating under what is called the "city school plan", Sec. 40.80, the city is a separate school district, but the city school board has the same powers as the common school district, as described above, except as otherwise provided, Secs. 40.803 and 40.809. The board has power to organize and maintain various schools, employ principals, teachers, and maintenance personnel, grade schools and prescribe courses subject to approval of the State superintendent, purchase supplies, school equipment and apparatus, purchase school sites and construct school buildings subject to approval of city municipal authorities, and prepare budgets for such purposes, on which there are hearings.

A special chapter relates to Milwaukee, which is by far the largest city in the State. The school board there operates on a sort of departmental scale with committees, Sec. 38.09, with a superintendent having greater administrative authority than in other districts, ibid., and with a secretary-business manager having certain administrative duties described and others as prescribed by the board, Sec. 38.10. All of these provisions, however, relate to a division of labor, and merely supply embellishments to the pattern of operating procedures in other city districts. There is no essential increase in power. Budgets are prepared, examined, and approved as elsewhere, Sec. 38.16, taxes are collected through the political machinery as elsewhere, ibid., and bonds are issued by the city, Sec. 38.17.

At the same time, the scope of the operations of such a school district, the weight of words used in providing for them, and the essential administrative character of the top level of the school hierarchy, however centralized the power is at that level, suggests the necessity of some kind of flexibility in interpreting these local powers to meet practical operating problems. It is possible that a court might imply authority in the school board in Milwaukee from its general powers to establish and operate a television station. Perhaps this situation is similar to that for the Board of Vocational and Adult Education in Milwaukee. But it is doubtful that there could be the same implication of authority for other cities, even those operating under the "city school plan", and it is improbable that the authority would be implied for any of the other school districts.

At the top level there is the governor's educational advisory committee, Sec. 15.98, but it is advisory in character and has neither place nor part in the administration or activities of the public school system. There is also a State department of public instruction, but no statutory provision establishing it as an entity or giving it any power. It functions as the office of the State superintendent of public instruction, a constitutional, elective officer, Article X, Sec. 1, Constitution, who has a concentration of policy making, supervisory and administrative powers.

Sec. 39.02 describes these powers, which are extensive. He apportions school funds, prescribes courses of study, accepts Federal funds for any function over which he has jurisdiction and acts as agent for the receipt and disbursement of such funds. But otherwise his powers are characteristically administrative and supervisory, and he exercises them through the leadership of county superintendents, as extensions of his authority, and through "suggestions" he makes to local units and to the public. There is no provision which outlines a broad program of activity from which it might be implied that he has authority to establish and operate a television station.

The absence of any such power at the top level lends some weight to the conclusion that as a practical necessity to meet operational problems some authority might be implied at the bottom level, as indicated. But one small legislative enactment on the subject would be most helpful.

?

WYOMING. Wyoming School Laws, 1958 (with citations to Wyoming Compiled Statutes); Wyoming Statutes 1961 Cumulative Supplement (with different system of numbering).

Power NO

One channel has been reserved for the State, but it has not been assigned. There is no legislation in Wyoming relating to educational television, and the range of general powers of educational organizations and officials from which authority to establish and operate a television station might be implied is narrow.

The State board of education has very limited powers. The members of it are appointed by the State superintendent of public instruction, subject to approval of the governor. The superintendent is himself a voting member, Sec. 67-104 WCS as amended in 1959, and is not subject to control by the board.

Powers of the State board relate to the printing and distribution of school laws and report forms, Sec. 67-123, as amended; the publication of multiple lists of approved textbooks, Sec. 67-124, as amended; maintenance of an employment register of teachers, Sec. 67-127, as amended; prescribing standards for the general course of study in all schools, Sec. 67-114; prescribing courses of reading for teachers, Sec. 67-115; and issuing rules for certificating teachers and school officers, Sec. 67-116.

Under Sec. 67-125 WCS, as amended in 1959, the State board is directed to "have conducted investigations within and without the State regarding educational needs and progress and means of improving conditions" and may appoint special investigators and perform other duties for that purpose.

Sec. 67-222 designates the State board as the agency of the State to accept the provisions of any act of Congress for Federal aid to education, with the proviso, however, that such act of Congress is an outright grant and does not require matching funds or other contributions from the State. This provision, of course, would not enable the board to accept funds from the Federal government under recent legislation for educational television.

The State department of education is established by Sec. 67-117, but it has no special authority of its own. Its function is to assist the State superintendent, provide advisory services for school officials, and perform other duties approved by the State board.

Neither of these organizations, therefore, on the basis of their own powers, could serve as a vehicle for establishing and operating a television station.

The powers of the State superintendent of public instruction are correspondingly broader, but they are essentially administrative in character. Sec. 67-105 WCS, as amended in 1959, describes his general powers:

> "The State Superintendent of Public Instruction shall exercise general control and supervision of the public schools and the educational interests of the State. He shall consult with and advise with Boards of Education, County and City Superintendents, Supervisors, Principals, Teachers, and other such school officers and citizens, and seek in every way to develop public sentiment in support of progressive education. (emphasis added)

Other powers and duties specifically described are entirely administrative in character and add nothing to the meaning of the broad purposes expressed in the underscored portions of the statute quoted above. Thus no substantial plan is provided by the legislature which might support an attempt by the State superintendent to designate, say, the department of education or some other agency to establish and operate a television station. His powers could not supply implied authority to him to establish or operate such a station himself.

School districts in the State are bodies corporate, Sec. 67-605, and educational matters affecting them are "under the care" of district boards of school trustees, Sec. 67-103. As in most New England States and some other States, the voters have controlling voice in deciding on some school affairs at the annual meetings of small districts, Sec. 67-607, such as the establishment of schools, procurement of library, fixing the site of schoolhouses, voting on the amount of money for school support, and directing the sale or other disposition of school property belonging to the district. But small districts can be disregarded here.

All of the powers of the annual meetings, except the power to elect trustees, are conferred by Sec. 67-811 on the boards of trustees of first class districts. First class districts are those having a population of 1,400 or more, with a minor exception which does not change the picture, Sec. 67-801. The boards of these districts have the same powers as boards of other districts, Sec. 67-810, which are described below:

> Sec. 67-616: "The district board shall make all contracts, purchases, payments and sales, necessary to carry out every vote of the district, for procuring any site for a school house, renting, repairing or furnishing the same, and disposing thereof, or for keeping a school therein, and performing such other duties as may be delegated to them by the district meeting."

> Sec. 3-6002: "Every school district shall have the power to acquire, by purchase, donation or condemnation, any real estate situate within the district, as a site for any public school house or school grounds, and shall have power, when the interests of the district demand, as manifested by a majority of the electors of the district at any regular meeting, or at any special meeting called for that purpose, to condemn any public or private real estate, including highways, streets or alleyways, and to take therein the fee simple absolute, which power of condemnation shall be exercised in the manner prescribed by law for the condemnation of real estate by railroad corporations."

Tax collections and issuance of bonds are handled by municipal authorities, but popular vote is required for a bond issue for school purposes.

In general, there is the same kind of dispersion of power at the bottom level of school activities as there is in some other States. Joint and combined action are required to accomplish some purposes in school affairs.

In the absence of authority at the top level of the school system to establish and operate a television station, it might be possible for voters, municipal officials, and a school board to collaborate for this purpose. The school board would probably then have authority to establish and operate. The Casper-Midwest and the Cheyenne districts, each with a school enrollment of over 13,000, are the only sizable districts in the State and might be considered appropriate vehicles for this purpose.

The same result could be achieved, however, in a direct way and without the necessity of collaboration among several elements, each exercising a part of the total power required, if the board of trustees of the University of Wyoming should take this action. This board is a continuing body, a corporation, and possesses "all the powers necessary or convenient to accomplish the objects and perform the duties, prescribed by law, and shall have the custody of the books, records, buildings and all other property of the University...", Sec. 70-106. Sec. 21-353, Wyoming Statutes, as amended 1961, relating to the powers of the board, reads in part as follows:

> "The board of trustees shall prescribe rules for the government of the university and all its branches... shall prescribe the studies to be pursued...shall also have power...to possess and use for the benefit of the institution, all property of the university; to hold, manage, lease, or dispose of, according to law, any real or personal estate, as shall be conducive to the welfare of the institution; to expend the income placed under their control, from whatever source derived, and finally to exercise any and all other functions properly belonging to such a board and necessary to the prosperity of the university in all its departments."

Sec. 67-222, Wyoming Compiled Statutes, designating the State board of education as the State agency to accept Federal grants, provided the pertinent act of Congress requires no matching of funds or other contribution by the State, contains a separate unnumbered paragraph which reads as follows:

> "Provided further, that the board of trustees of the University of Wyoming is hereby authorized to accept any funds or grants made to the University of Wyoming by the United States to be used for education, research or other purposes. The board of trustees of the University of Wyoming is hereby authorized to accept the terms and provisions of any Act of Congress relating to any federal grants made for the purposes herein provided; provided further, that said funds so granted or allocated to the said University shall be under the control of and expended by the said board of trustees of said University."

This paragraph does not contain a proviso nullifying authority to accept Federal grants if they require a matching of funds or other contribution, and it seems reasonable not to carry over the proviso to that effect from the preceding paragraph in the same section, which may be considered as separable. That paragraph designated the State board "as the agency of the State of Wyoming to accept the provisions of any Act of Congress...", with the proviso added so as not to give the Board power to commit the State to contribute. The last paragraph, however, does not require the university to act through the State board of education in accepting, but authorizes the board of trustees, specifically, to accept, and so on, without any limiting proviso, and directs further that the funds granted shall be under the control of the board of trustees of the university. The two paragraphs, therefore, can logically be read separately and independently of each other.

This would mean that the university, itself, would have to be the recipient specified in any such grant. If necessary, it could match the grant by contributing from the resources available to it, since the governing board has control of all income from whatever source. The authority of the university would probably not extend, however, to accepting on behalf of the State with a proviso for matching the grant, because that would do violence to the expressed intent of the legislature that the State should not be committed. This may seem a refinement, but it is relevant to the question of providing the university with Federal funds under the recent Federal legislation for promoting the development of educational television.

It would be desirable if there were specific legislation on the subject in Wyoming. But even without it, and without regard to the question of Federal aid, it is clear that the board of trustees of the University of Wyoming has ample powers to supply an implication of authority to establish and operate a television station. Inasmuch as only one channel is now available, the university seems the most appropriate applicant for a license. It could make the services of the station available not only to its own students but to pupils in the State and the community in general, each user contributing a share towards operating costs by paying a fee for the service provided.

MIDWEST PROGRAM, AIRBORNE TELEVISION INSTRUCTION. Source of information: Correspondence with Mr. James S. Miles, Program Distribution Division.

A discussion of educational television would not be complete without reference to this organization and to related matters. MPATI is well known as the organization which operated for some time with foundation and other support, on an experimental basis, but which has recently become incorporated as a non-profit educational institution to continue operations. It makes educational telecasts from an airplane flying in a pattern to provide broadcast services available to public schools in six States: Indiana, Illinois, Kentucky, Michigan, Ohio, and Wisconsin. It has an operating license issued by the Federal Communications Commission and provides its services for a fee, based on a contractual agreement. In answer to a question concerning several aspects of this operation, Mr. Miles gave the information indicated below, in a letter of January 9, 1962.

With respect to contractual arrangements:

> "The contractual relationship proposed for the permanent organization which will succeed MPATI calls for direct relationship not only with the local boards of education but with each school building."

With respect to special training for teachers using broadcasts in classroom instruction:

> "We encourage teacher attendance at workshops and have assisted local teacher training instruction to hold such workshops during the past two summers. I am including a folder which describes the 1961-62 workshop plan. The report on this is not yet completed although we do know that 42 such workshops were held with an enrollment of over 6,000."

With respect to any requirements for obtaining approval from higher officials to permit participation in the program by local school districts:

> "We have worked closely with state superintendents in six states. They have done whatever they felt necessary to approve our operation."

With respect to appropriateness of broadcasts from the standpoint of local curriculum and the State requirements for subjects, substance, methods of instruction, and credit:

> "The individual school determines the appropriateness of our broadcast programs in this regard. Inasmuch as the state licenses the teachers who give the credits or grade the cards they are thus under normal state supervision."

Other information was supplied, but need not be referred to here.

The supply of educational television broadcasts from an agency outside of the school system and not subject to its control raises several questions, all of which, however, can be simply answered. In many States, any local school board having statutory authority to provide school supplies and instructional material can imply from those powers authority to contract for educational television programs. A few States, as indicated in Chapter III _ante_, have gone so far as to declare educational television a suitable instructional medium, thus fortifying the authority of local boards implied from general supply powers. In other States, as also indicated in Chapter III, the legislatures have specifically authorized local boards to enter into contracts for the supply of educational television broadcasts, so that the authority is express, not implied.

In some of this legislation, but not all, the local board is required to obtain approval of the programs by higher school officials. In the absence of legislation on the subject, it is probable that this requirement is still implicit in any authority implied from even very broad powers, if a State has statutory provisions for formal "adoption" of courses or specific texts at a higher level before the use of them by the schools is authorized. Such requirements would apply even to educational films in like circumstances, however, and should present no problem to local school authorities in subscribing to a service for educational television.

Chapter 5

SUMMARY OF LAWS AND REGULATIONS, ACCORDING TO FUNCTIONS, RELEVANT TO THE USE OF AUDIO-VISUAL INSTRUCTIONAL MEDIA IN ELEMENTARY AND SECONDARY PUBLIC SCHOOLS

The purpose of this chapter is to present an analysis of educational laws of the fifty States, with citations, which might be invoked as legal authority for conducting various activities connected with the use of audio-visual instructional media in the elementary and secondary public schools, particularly in the absence of specific legislation on the subject or in supplement to such specific legislation whenever necessary.

It may seem presumptuous for one person to undertake such an analysis of laws in fifty different jurisdictions, each with a different and distinctive set of laws to provide for a full range of activities in the public school system, all activities being interrelated in a way peculiar to each State. The only logical alternative to such an undertaking would be to seek an interpretation of the laws by the attorney-general or a member of the bar in each separate jurisdiction. This is impracticable. And besides, whatever advantage there might be in a single approach to the subject in all fifty States would be lost in the confusion of fifty different approaches in the several jurisdictions.

It is possible, nevertheless, for one person to undertake such an analysis by using a reasonable approach and by observing some limitations for the purposes of (a) determining how far to go in the analysis, (b) eliminating considerations of only marginal relevance, and (c) shortening the analysis to a reasonable length. Even if interpretations of legal authority can be expressed only in terms of "probable", they can throw some light on the subject by showing patterns and by correlating information for comparative purposes in a way that has not been undertaken before.

In order to clarify the nature, scope, and significance of this analysis, and to appraise interpretations in their proper setting, it is necessary to explain several elements which enter into this process. This will contribute to justifying the undertaking, in so far as that is necessary or possible, and for setting the stage, so to speak, for the presentation State by State. Following this discussion, reference will be made to laws of each State with citations.

The present study has shown that some States have no legislation dealing with any of the types of audio-visual instructional aids as specifically defined in the contract for this undertaking. Some have legislation dealing with what might be called the simpler or basic types, such as maps, globes, charts and exhibits. Legislation in some States refers to films of different types, such as filmstrips, slides, and motion pictures. Legislation in some States refers specifically to the more sophisticated types, such as radio and television. In some States reference is made to all three classes - basic, films, and radio-television. In some of the legislation concerning television, reference is made to activities which fall outside of the educational field of authority but which contemplate some integration with it.

The extent of such legislation, however, and the absence of legislation in some States concerning any one or all types of audio visual instructional aids, cannot be taken as a measure of the extent to which such aids may be used in the several school systems or the interest of the legislature in them in the several States.

There is abundant evidence in the form of official reports, as well as other evidence, to show that in a number of States, having little or no specific legislation on the subject, there is very extensive use of some of these new instructional media throughout the school system. It cannot be suggested that school officials in such States are conducting these activities without legal authority, for there is a legal presumption that the acts of a public official done in the performance of his duty must be accepted as lawful unless proved otherwise. It is significant that in the course of the present study no record has been found of litigation in any State challenging the authority of any educational official to deal with audio-visual media in the school system. This indicates either that officials acting without authority have gone unchallenged, which seems highly unlikely, or that the authority on which they rely is deemed sufficient, even if it does not refer specifically to audio visual media.

It must be assumed that no legislature will permit a power vacuum to exist in the operation of a State activity, such as maintaining a public school system, for which it has a mandate to provide all necessary legislation. If it does not enact new laws, therefore, to provide specifically for the use of new instructional media in educational activities, it can only be assumed that the legislature in that State is satisfied that the general authority it has already granted to school officials is sufficiently broad in terms to permit an interpretation implying authority for some specific activities and media not mentioned. For instance, a statute authorizing or directing a school board to provide schools with textbooks and "other materials necessary for instruction" might lend itself most readily to such an interpretation.

The question there might turn on the meaning of "necessary for instruction". A case was found in which a court held against payment of school funds for uniforms for a school band, but this was on the ground that such uniforms did not contribute to the basic purpose of the school-instructing. No decisions have been found questioning the authority of school officials to use their discretion in determining what kind of equipment, unmistakably of an instructional character for general use, is or is not "necessary for instruction".

Thus, a general grant of power like the example referred to, in the absence of more specific legislation, might be cited as legal authority in the same way as a law in another State, dealing specifically with the subject - in so far as there is evidence of activity in the State relating to the use of audio-visual media. Such a general law might also be cited, if necessary, to supplement powers granted by a State legislature in terms referring specifically to some type of audio-visual aid but perhaps not in full detail.

Evidence of the use of audio-visual media in the different States, however, cannot be used as a test for interpreting laws in this analysis. The present study did not extend to factual findings of such use. While evidence was found in a number of official reports consulted, these publications were examined primarily in search of suggestions for different topics to consider in the basic legal research.

Furthermore such reports could not be used as a primary basis for the extent of the use of these new media in the different States. For even if there had been a complete set of up-to-date reports for all States, which it was not possible to obtain, they would still have presented the same disparity of detail and emphasis on different subjects which is found in the collection of laws on education in the different States. In addition to this, a factual criterion of actual use would not permit a balanced treatment of all States, nor would it permit consideration of that broad area of inquiry concerning those laws which "may affect, positively or negatively" the use of such aids, as required by the basic contract.

Under these circumstances, an arbitrary approach must be taken in the analysis, just as it was taken in the work of research. The approach must be functional for two reasons: first, to provide major headings of legal authority upon which the factual findings of the SAVES project concerning a variety of activities can be superimposed; and second, to provide a set of objectives common to all States so as to permit, in so far as it may be possible, a comparison of the nature and the effectiveness of laws in the different States according to their basic purpose.

SAVES

Most of the same functions or categories can be used in this analysis as were used in preparing Part IV of the laws of the several States, which are found in the annex to the original of this Report. It would be impracticable, however, to repeat here for each State the full discussion of statutes as given in the separate reports. That, obviously, would be a duplication of information given elsewhere under a different arrangement and would make this analysis too voluminous. Furthermore there is considerable duplication of discussion within each report, necessary for a syllogistic approach to conclusions, and within the collection of reports, necessary for showing in all cases the completeness of functional patterns and range of authority.

There are two ways of condensing the findings and discussions in the separate State reports. Both will be used in this analysis. One way is to combine, and the other way is to eliminate, wherever possible.

In the process of combining, several functions can be indicated together, instead of separately, when they all depend upon the same legal authority, that is the same statute, granting powers to the same organization or official. This can be most frequently done in the case of State boards of education and State superintendents, and to a lesser extent perhaps in the case of local boards in connection with their supply powers. When such combining is done the functions and the citation of legal authority will be clearly shown.

The process of elimination is even more effective in reducing the compass of this analysis, through omission of many details, leaving only the bare-bones of references to legal authority, with citation, and an indication of its nature. The principal purpose of making such omissions, however, is to reduce the length of presentation for each State, and thus to facilitate an easier comparison among the States. It does not suggest that the material omitted is unimportant, for indeed without these details it is impossible to understand the context within which the statutes are applied and, therefore, the full significance of the statutes. The informed educator, of course, will understand the importance of these details and will no doubt be familiar with them, certainly with respect to his own State. But for the convenience of anyone who examines this analysis of laws for any State, the principal contextual details have been set forth in Chapter II of this Report and should be referred to as complements of the analyses which follow.

Some of these details relate to organization of different educational systems in which there is variation of degree and nature in the division of authority to perform different kinds of acts. In all of these systems, of course, there is the common pattern of giving authority in two major classes. One kind of authority relates to local operations, control and supply problems, and is customarily exercised by a local board. Another kind relates to questions of State-wide policy, leadership, regulation to maintain acceptable minimum standards and common practices, and supervision.

Authority for all of the latter activities is customarily lodged at the top of the educational hierarchy within each State, that is in the State board of education as policy maker, the State superintendent as administrator of the policies and supervisor, and the State department of education as the staff of workers to apply the policies and supervisory powers through administrative channels. Research has shown, however, that there is sometimes a variation in this broad division of functions at the top level. It has also shown that there is oftentimes an extension of these broad powers from the top level down to an intermediate level, such as the county superintendent in those States using a county-intermediate system, with respect to supervisory and advisory powers.

All of these variations are suggested, at least, in the discussion concerning each State in Chapter II of this Report. In the analysis of laws which follows, the identity of each official or organization will be indicated, along with the functional authority cited. But reference will have to be made to Chapter II for information on the relative place of that organization or official within the educational hierarchy of the State and for some indication of the staff, particularly in the department of education, charged with pertinent responsibilities.

In the broad roles of leadership, regulating, and inspecting, exercised at the top level of every public school system, it is sometimes difficult to place responsibility solely on the basis of the wording of statutes. These are often expressed only in very general terms. For instance in leadership, which involves planning, advising, coordinating, public relations, in-service education, and Federal coordination, some activities are doubtless carried on by most State boards of education as policy makers. But the principal activities in most of these functions are carried on by the State superintendent, or, under his direction, by the staff of the department of education.

In the regulatory role, which involves exercising State authority, protecting life and health, insuring minimum instruction and services, promoting efficiency, requiring proper accounting and economy, and insuring availability of educational opportunity, it is the State board which carries on some of the principal activities by adopting policy and issuing regulations having the force of law. But the State superintendent in some cases is authorized to issue and enforce rules of his own, and in all cases to enforce State laws and regulations of the State board.

In the role of inspection, of course, which is extended in all States by an obligatory reporting system to supplement actual visitation and inspection, it is the State superintendent who carries on the principal activities or directs the staff of the department of education to do so. But some State boards are specifically authorized to visit schools.

Practices peculiar to each jurisdiction often determine the particular division of functions in these three roles, which has been made at the top level under flexible general authority. In the present analysis, no attempt can be made to indicate the division of these functions at the top level with precise nicety, since the statutes are not sufficiently revealing and no other authoritative information is at hand. For this reason the location of the authority will be made on the basis of "probability" and a common sense deduction, if it seems necessary to show a division instead of joint or concurrent authority.

Naturally if a statute clearly shows a division or specific location of authority it will be indicated with citation. Otherwise, all functions which might be performed in whole or in part by the department of education will be imputed to the State superintendent, since he has the direction of it, and functions which might be performed in part both by the State superintendent and by the State board will be imputed to both where appropriate. This procedure will contribute to simplifying and shortening the analysis.

A discussion or indication of State aid programs must be eliminated in most cases, because such programs are very involved procedurally. They are further complicated by formulas prescribed for computing allotments of State aid in a variety of situations. The economic factor is most important, of course, in any program for audio-visual education, and considerable time was spent in this study to find legislation on appropriations and allotments. Many citations on this subject are given in the basic reports on laws for each State, but for the most part these laws do not show a satisfactory breakdown of allocations for different purposes. They therefore cannot make a significant contribution to the present analysis. Some inferences may be drawn from figures given in Chapter II of this Report on the percentage of State contribution to school support.

For similar reasons a discussion of budgets, taxation, and bond issues at the local level must be eliminated, although much time has been spent in research on these subjects. There are numerous citations for them, with accompanying discussions in the basic reports on the laws of each State, found in the annex to this Report. However, requirements for audio-visual equipment or services are included with other requirements in budgets or estimates of expenditures and there are no budget laws dealing with them specifically.

The location of control points in the review of budgets is entirely relevant to this study, because decisions are made there which determine the amount of money available for audio-visual equipment and services, along with other requirements. Those control points have been indicated in the separate reports on State laws, as referred to, and are available if needed for further study. They all relate to the complex systems of school support and fiscal control, so that laws concerning them must be considered with a mass of other legislation in order to determine their full significance. A discussion of this subject would go too far afield from the present analysis, and should therefore be omitted.

A final subject for elimination, whenever possible, is an indication of procedural formalities required in the exercise of authority. Some of these requirements are hedged about by exceptions for particular situations, so that a discussion of them would become needlessly involved. Furthermore, it must be assumed that any office or organization, in the exercise of authority granted, will comply with the ordinary, local procedural requirements. These are common to all jurisdictions in one form or another. Unusual procedural requirements having special relevance to this study or to some particular function will be shown.

These several expedients of combination and elimination will permit a presentation of findings in this study with as little detail as possible. The citations of authority with minimum explanation will be given according to function, and will show who exercises the authority and if possible how, whether it is express or implied, and whether it is directive or permissive. But some of the subjects still remaining can be treated in such a way as to shorten the analysis even further and contribute to presenting a total picture in better perspective.

All of these citations of legal authority are being given with due regard to the criterion of relevance established in the basic contract with respect to such authorities: "...which affect or may affect, positively or negatively, the classroom use in public elementary and secondary schools of new educational media, generally defined to include such audio-visual materials as charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, and other non-book instructional materials." The amendment of May 1, 1962, extended this criterion for supplemental analysis of the legal authority to establish and operate television stations.

The first criterion of relevance, before its extension, was observed in the selection of functional categories for Part IV of reports for the separate States before the total picture emerged. It can be observed now in the analysis with better results, using with some modification the same categories. The question to be asked with respect to a citation under each one is: can the legal authority be construed to affect, or may it affect, positively or negatively, the classroom use of these new educational media. Legal authority to establish and operate television stations which has already been treated separately in Chapter IV, ante, will be referred to here only in connection with laws dealing specifically with television and their relevance to the functional categories.

The scope of inquiry during the work of research was necessarily much broader than the present analysis should be, because the maximum number of possibilities had to be investigated against the chance of overlooking statutes "which affect or may affect, positively or negatively". Citations appear on many subjects in the separate State reports on laws which, upon reconsideration, have been determined to be not sufficiently relevant to qualify even on a "may affect" basis. Reference to them can therefore be omitted here.

As was to be expected, of course, results of research were entirely negative with respect to one or more functional categories in some States. Obviously, it is needless to mention those subjects here in relation to such States. Other discoveries were made.

In one instance, it was casually ascertained, through official correspondence, that laws on textbooks were being used as authority to supply a considerable amount of audio-visual equipment for classroom use, and of course such laws will be cited appropriately. The same situation might apply in some other States, but it is rather unlikely. It seems pointless to include in the analysis any reference to textbook laws - usually of a highly specialized nature - on the chance that they "may affect" audio-visual media, and accordingly they should be omitted if no probable relevance is shown. All such citations appear in the separate State reports, however, and can be retrieved later if necessary.

A choice concerning the citation of laws relating to libraries is not so obvious. In some States, laws on libraries are being used as authority for an active program of supplying films and other audio-visual equipment to schools for classroom use. The laws in such States will be cited appropriately even if they contain no internal evidence of relevance to this purpose. Of course, any library system, and the laws relating to it, could be used for this purpose and "may affect" the supply of these new media for classroom use. It is unfortunate that not all library systems are so used, but it is too much to hope for that under present circumstances. And while the very general terms of laws on this subject might encourage anticipation of such a prospect, in the absence of other legislation, it is unrealistic to conclude that all such laws are relevant, even on the "may affect" basis. Accordingly, no citations on this subject will be included in the analysis, unless there is some cogent reason for showing them. If necessary, they can be retrieved later from the separate State reports.

Laws on school buildings have also presented a problem. In a few instances regulations of State boards of education, deriving their legal force from statutes giving regulatory powers, have prescribed certain standards to be observed in the construction, remodeling or use of school buildings in such a way as to provide adequately for accommodation to equipment to facilitate instruction through various audio-visual media. Such regulations, of course, will be cited appropriately.

In many States, there is some statutory provision authorizing the State board, or some other organization or official at the top level, to exercise veto, regulatory, or planning powers with respect to school buildings constructed in whole or in part with State funds. All statutes conferring such authority could readily be used to enforce requirements for the improved or increased use of audio-visual instructional media in the classrooms. Citations of such authority are contained in the separate report on laws for the different States, as described, and are available for further study if necessary. There are also citations on the authority of local school officials and others to construct or remodel school buildings.

Some or all of these laws may be relevant now and in the future. But in the absence of evidence of the probability that they are - evidence in the form of complementary legislation or regulations, which have been looked for in this study - it would be unrealistic to include all of them in the analysis even on a "may affect" basis. To do otherwise would present a distorted picture.

This is a large field and there is considerable State legislation on the subject, much of it connected with school redistricting and a more efficient use of local and State resources. Even the Federal government has extended aid for school construction. In these circumstances, it would give disproportionate importance to those State laws from which regulatory powers on building design for special audio-visual requirements might eventually be implied, if they were all cited here for that purpose. They represent only a very small part, however important, of a much larger scheme of activities from which they should not be permitted to borrow undeserved significance, in the present picture, on an uncertain contingency.

In contrast, laws on the certification of teachers, however indefinite some may be, are all proper subjects for citation and in the same ratio of significance as other laws relating to the schoolroom use of audio-visual instructional media. The power to require special training in order to qualify for a teacher's certificate could easily be extended to special training in the use of new media of instruction. While investigation has suggested that such requirements might be applied more frequently through prescribing special courses in the curriculum of State teachers' colleges, the power to control through certification could be used and, in a few instances, has been so used. The same considerations apply to another functional category - prescribing qualifications of the actual users of audio-visual equipment, which could apply either to certificated or non-certificated employees.

In other functional categories it seems desirable to omit in this analysis some citations, on the basis of remote possibility of reliance upon them for authority, even though they are included in the separate reports for the several States.

Thus the basis for including citations in the analysis, State by State, after eliminating material as described above is (1) that they contain specific provisions obviously relevant to the activity indicated, or (2) that they contain general provisions which could reasonably and probably be interpreted to be relevant, through legal construction of the terms used and in the context of the general system of education laws in the State.

The functional categories used in the research and in the separate reports for States in the annex, are abbreviated for convenience in the following analysis, but they have the broad meanings described below. They, and the interpretation of laws cited under them, apply only to activities of officials and organizations in the educational hierarchy and only to an end use of the media in the elementary and secondary public schools.

Planning - planning at any level for the use of audio-visual aids and for the manner of using them.

Preparing curricula - preparing the curricula, either on the basis of minimum requirements or in elaboration of details, in such a way as to include the use of such aids.

Advising - advising subordinate units, officials, and teachers on the types, characteristics, and availability of such aids, and on the manner of using them, through personal contact, communications, or publications of various kinds, including handbooks and lists of materials.

Organizing - organizing special units or procedures designed to promote or permit the classroom use of such media.

Conferring outside - conferring by educational officials (usually top level) with individuals or organizations outside of educational hierarchy to promote use of such media in classrooms.

Selecting - selecting such media, with indication of controls used through medium of requirements, official "adoption", or with freedom of choice.

Selecting textbooks - omitted as a separate class and covered, in so far as the material is relevant, by other classes, such as Selecting and Acquiring.

Acquiring - procuring such media at any level and in any way to permit use in classrooms.

Financing - indicating level at which payment is made for such media or related services and any sharing of costs.

Regulating use - controlling the use of such media through regulatory powers and requiring statistical records of use.

Distributing - supplying such media to schools for classroom use through established procedures or otherwise.

Producing - creating such media in any form or service for use in classrooms.

Certificating teachers - applying requirements for teaching certificates so as to include training in the use of such media.

Prescribing qualifications - prescribing special training in use of such media by employees using them.

Accrediting schools - requiring equipment or facilities for classroom use of such media as a minimum standard for grading schools.

Building schools - here, only to extent that regulatory powers are actually or probably used to require special facilities in school buildings for classroom use of such media.

Federal aid - here, only the authority under State law to receive and use Federal funds for schools, principally for Title III NDEA or educational television projects which provide for such aids or services for classroom use.

State aid - omitted as a separate class and covered by sharing of costs under Financing.

Private aid - here, only in so far as statutes indicate that they could probably be used as authority to receive such aids or services for classroom use, or funds intended solely for that purpose.

Library programs - here, only to extent that statutes are actually or probably relied upon to supply such media to schools for classroom use.

Research programs - here, only to extent that statutes are actually or probably relied upon to provide for research promoting use of such media in classrooms.

Institutes - periodic meetings or conferences within the school system which are actually or probably used for promoting the classroom use of such media.

Other procedures - procedures or organizations within the school system, or independent but related to it, which are or could be used to promote the classroom use of such media.

ALABAMA

Title 52, Code of Alabama, Recompiled 1958, with 1959 Pocket Part; Public School Laws of the State of Alabama, Recompiled 1958, with 1959 Pocket Part

PLANNING:

Sec. 631 directs the Alabama Educational Television Commission to appraise the need for an over-all plan for television, authorizes it to locate stations and make rules for programs. Planning implied.

Sec. 14 directs the State board to exercise control over schools. Planning implied.

Sec. 45 directs the State superintendent to execute policy of the State board. Planning implied. He recommends.

Incidental planning by all local boards in exercise of supply functions, infra. Board decides, superintendent recommends.

PREPARING CURRICULA:

Secs. 17 and 403 direct the State board, on recommendation of the State superintendent, to prescribe minimum contents of courses. Authority to include new media implied.

Sec. 407 directs the Committee on Courses of Study to recommend courses for all schools. Authority to include new media implied.

Sec. 87 directs county boards, on recommendation of county superintendents, to prescribe courses of study. Authority to include new media implied.

ADVISING:

General control powers of State board, Sec. 14, imply advising.

General executive and administrative directive to State superintendent, Sec. 45, implies advising.

Sec. 74 directs county boards, through their county superintendents, to exercise control over schools and "advise" employees. Authority express for advising, implied for new media.

Sec. 175 directs city boards, through their city superintendents, to exercise control over schools and "advise" employees. Authority express for advising, implied for new media.

ORGANIZING:

Authority for administrative action implied by general control powers of State board, Sec. 14, by executive duties and powers of State superintendent, Sec. 45, by control powers of county boards, Sec. 74 (county superintendents could recommend and execute), and by control powers of city boards, Sec. 175 (city superintendents could recommend and execute).

CONFERRING OUTSIDE:

Sec. 14 directs the State board, through the State superintendent and his assistants, to consult with interested citizens on the promotion of education. Authority express as to conferring, implied as to new media.

Sec. 45, directing State superintendent to execute policy of State board, supplements Sec. 14 and would give him initiative after policy decision. Authority implied.

SELECTING:

Sec. 631, authorizing the Alabama Educational Television Commission to locate television stations and to contract with others for their operation, is express authority for special "selecting".

Sec. 433 authorizes the State Textbook Commission, on its own initiative or upon request by the State board, to recommend to that board "other instructional material". Authority express, implied as to new media. Same section, authorizing State board to "select and adopt" textbooks recommended by Commission, gives implied authority to select and adopt "other instructional material" recommended.

Sec. 99 authorizes a county board to acquire and purchase "personal property for school purposes". Authority express as to general class which could include new media, implied as to selection before purchase.

Sec. 161 authorizes a city board to "purchase...supplies for the use of the schools". Authority express as to general class which could include new media, implied as to selection before purchase.

Range of selection by local boards will be limited by requirements of the State board to use particular items prescribed, but beyond those requirements free choice is implied by general authority to purchase supplies, as indicated above. Sec. 433(12) gives express authority to city boards of those cities supplying free textbooks to pupils to use books other than those prescribed by the State board, if recommended by the city superintendent and approved by the State board. From this, authority might be implied to such city boards, with the same recommendation and approval, to substitute other instructional material for that generally prescribed. But ultimate choice is still in the State board, which must approve the substitution.

ACQUIRING:

Sec. 631 authorizes the Alabama Educational Television Commission to "own" television stations. Express authority to own, implied authority to acquire ownership by purchase or otherwise. The legislature has provided funds for purchase and construction.

Sec. 433(15) provides that if any State appropriated textbook funds remain, after fulfilling primary purpose of appropriation and certain secondary priorities described, the State board may use the remainder for purchasing "other instructional materials". Express, but contingent, authority for class in which new media could be included.

County boards, Sec. 99, and city boards, Sec. 161, are authorized to purchase "personal property", which could include new media of instruction. Express authority as to class, implied as to media.

FINANCING:

Sec. 632 authorizes the Alabama Educational Television Commission to accept gifts and grants of money, property and uncompensated services from any source, including the Federal government. Express authority for partial financing. Legislature has appropriated funds for financing. Express authority.

Sec. 200 directs the State superintendent to apportion State aid among schools. This would include allowance for purchase of new media, if covered by State budget and appropriation. Express authority as to apportionment, implied as to new media.

Sec. 204 directs county boards to apportion annually, and to distribute monthly, Sec. 205, to city school boards their proportionate share of county and State funds. Express authority for distribution, implied as to allowance for new media, if any.

County boards, Sec. 99, and city boards, Sec. 161, are authorized to purchase personal property and supplies, supra under Selecting and Acquiring. Express authority to purchase necessarily implies authority to finance purchases by spending local and any State funds supplied. Same authority implies spending for new media.

Sec. 513(7) authorizes Alabama Education Authority to sell bonds in anticipation of receipts to pay for school buildings and "for the procurement of equipment therefor...", and to use proceeds for purposes specified, with approval of the State superintendent and the governor. This provision "shall be liberally construed". Express authority for issuing bonds, could imply authority for capital outlay for new media, if approved as required.

Sec. 215 authorizes county boards and city boards to sell tax anticipation warrants for constructing and "equipping" school buildings. Express authority as to issuing, implied authority as to "equipping" with new media, if approved.

REGULATING:

Sec. 631 authorizes the Alabama Educational Television Commission to "make rules and regulations governing the operation" of television stations and the programs televised. Express.

The directive to "supervise and control" given to the State board, through the State superintendent, Sec. 14, and rule making authority given to it, Sec. 31; the directive to the State superintendent to enforce laws and the rules of the State board, Sec. 44; the directives to county boards to exercise control, with advice of county superintendents, Sec. 74, and to make rules on recommendations of county superintendents, Sec. 73; and directive to city boards, through their superintendents, to exercise control, Sec. 166; all are express and give implied authority to regulate use of new media.

Duty of State superintendent to see that all educational records are reported on forms provided, Sec. 55, could imply authority to collect statistics on the use of new media if ordered by rules and regulations of the State board.

PRODUCING:

Sec. 631: express authority of Alabama Educational Television Commission to "own and operate" stations, implies authority to produce.

CERTIFICATING TEACHERS:

Sec. 20 directs the State board, through the State superintendent, to issue rules and regulations with respect to the training of teachers in the public schools, and authorizes the board, with the advice of the State superintendent, to issue rules and regulations concerning the issuance of professional and special certificates. Express, could imply authority for rule for proficiency in use of new media.

Sec. 322 prohibits the employment of county, city, and lower superintendents, supervisors, principals, teachers, and attendance officers unless they hold a certificate issued by the State superintendent.

Sec. 326 requires that certificates granted be based upon credentials showing academic and professional training of applicants, or be issued following their examination under rules and regulations prescribed by the State board.

Details supplementing this basic authority need not be added.

PRESCRIBING QUALIFICATIONS:

Same authority as for certificating teachers and others at operating level.

Sec. 50 directs State superintendent to nominate to State board all professional and clerical assistants for appointment in department of education. Express authority, implies authority to apply standards concerning familiarity with new media.

ACCREDITING SCHOOLS:

Sec. 16: "The state board of education shall prescribe rules and regulations for grading and standardizing of public schools", implies authority to require minimum supply of new media.

Sec. 88 directs county boards, upon written recommendation of the county superintendent, to grade and standardize schools under their jurisdiction. This could imply same authority as above, but would not go to question of state-wide system of accreditation.

FEDERAL AID:

Sec. 23 authorizes the State board to accept for Alabama "any appropriation of money for the removal of illiteracy, the teaching of immigrants and for other educational purposes which may hereafter be made out of the federal treasury by any acts of congress", constitutes it the chief educational authority for the expenditure of such funds, authorizes it to make rules and regulations concerning their expenditure in accordance with terms of the acts of Congress, and designates the treasurer of the State as custodian of such funds.

RESEARCH PROGRAMS:

Sec. 631 directs the Alabama Educational Television Commission to "survey, study and appraise the need for an over-all plan" for television.

Sec. 21 directs the State board to conduct investigations relating to the educational needs of the state and means of improving conditions, and authorizes it to employ agents for special investigation. Express authority, could imply research relating to new media.

INSTITUTES:

Sec. 339 requires that an institute for teachers, lasting not more than four days, shall be held annually, one or more in each county or group of counties, as the State superintendent shall direct after advising with county superintendents.

Sec. 340 requires attendance of administrative and teaching employees at county or city institutes held annually, unless excused, Sec. 341, with penalty of being dropped from payroll for six months, Sec. 343.

Sec. 344 authorizes county superintendents and city superintendents to hold teachers' conferences on courses of study, problems of instruction, and other subjects, and Sec. 345 directs the State board to give appropriate recognition to completion of work assignments at such conferences toward the renewal and extension of certificates.

Such institutes and conferences provide a forum for discussing new media.

ALASKA

Compiled School Laws, State of Alaska, 1961 (references in parentheses are to Alaska Compiled Laws of 1949, or to Session Laws)

PLANNING:

Sec. 12 "vests" in the department of education the duties, powers, and responsibilities involved in the administration of the State's educational program, but this provision shall not be "construed to extend or enlarge the State's functions with respect to independent school systems now established by law". Express authority implies planning for State-operated schools and over-all planning for other schools for new media.

Sec. 31 (37-2-7) directs that the State board shall have supervision of the public school system of the State, except for certain colleges specified, and in subsection C directs that it shall study the educational conditions and needs of the schools and adopt or recommend plans for improvement. Express authority to plan, implies planning for new media.

Sec. 39 (37-2-28) subsec. D directs the State commissioner of education to prepare minimum courses of study, for approval of the State board. Express authority, implies authority to plan with respect to new media.

Sec. 89 (37-3-42, as amended) states that the school board of an independent district (i.e. incorporated city with adjacent territory added to district) "shall have the exclusive management and control of school matters in the district". This express authority implies authority to plan for new media.

Sec. 61 (37-3-12) in Article 2, relating to districts outside incorporated towns, incorporated school districts, and consolidated school districts, states that the school board of such districts "shall have the exclusive management and control of all school matters in the district, subject to the State school laws and to the rules and regulations promulgated by the Commissioner of Education". Express authority, implied for planning as above.

Sec. 80 (37-3-33) directs that the school board of a city shall have power to hire and employ teachers, provide for heating and lighting of school houses, "and in general do and perform everything necessary for the due maintenance of a proper school". This express authority may not seem so broad, but it can still imply authority to plan for new media.

PREPARING CURRICULA:

Sec. 39 (37-2-28) subsec. D directs the commissioner of education to prepare minimum courses of study for the public schools of the State, for approval of the State board before adoption. Express authority in commissioner, with required approval, implies similar authority to include new media in courses. Rule 30 of Rules and Regulations of the State board states that courses for elementary school, as published by department of education, are officially adopted. There is no similar "adoption" of high school courses in Rules, and in absence of requirement the local boards, acting under express general powers described in "Planning" above, would have implied power to include new media in courses.

ADVISING:

Express general power of department of education, Sec. 12, described in "Planning", and express directive to the commissioner, with approval of the State board, to prepare, publish, and distribute to school boards bulletins and pamphlets relating to educational work, both imply authority to advise on new media, Sec. 39E.

ORGANIZING:

The express general power of the department of education, Sec. 12, the directive to the State board to "manage, control and prescribe rules and regulations for the conduct of all public schools, Sec. 32 (37-2-8) subsec. A, and the express directive to the commissioner in Sec. 39 (37-2-28) subsec. F to prescribe with the approval of the State board rules and regulations for the general government of the public schools, can all support implied authority to organize units and procedures for the use of new media.

The general powers of the respective school boards, as described in "Planning", can support implied authority for organizing at the operating level.

SELECTING:

Sec. 42 (37-2-42, as amended) makes it unlawful for any school to use textbooks other than those "adopted" by the Textbook Advisory Commission, and Rule 110 of Rules and Regulations of the State board implements this. If the Commission does not "adopt" supplemental material, restricting choice, school boards could select new media freely, under their general powers described in "Planning" supra which are express and would imply authority to select.

ACQUIRING:

Supply powers are not expressly granted, but can be implied from general powers described in "Planning", and would imply authority to acquire new media.

FINANCING:

Certain taxes may be levied by the school board of small districts for construction and maintaining schools, Sec. 72 (37-3-23), by city councils for districts in first class cities, Sec. 83, as amended, by city authorities for districts in second class cities, Sec. 84, as amended, by the city council in independent cities for territory within city but by the school board for territory outside, Sec. 100 (37-3-53, as amended). Sec. 106 requires the board of all larger districts to submit a budget to the commissioner of education for State aid, which is paid to districts on order of the Commissioner, Sec. 108, as amended. Sharing of expenses implies sharing cost of new media.

REGULATING:

Express power of State board to "prescribe rules and regulations for the conduct of all public schools", Sec. 32 (37-2-8) subsec. A, of the commissioner to prescribe, with approval of the State board, "rules and regulations for the general government of the public schools", Sec. 39 (37-2-28) subsec. F, and the general powers of school boards, as described in "Planning", implies authority to regulate the use of new media.

Express directive to commissioner to require reports of all school boards, Sec. 39 (37-2-28) subsec. A, implies authority to require reports on use of new media.

CERTIFICATING TEACHERS:

Sec. 39 (37-2-28) subsec. M, directs the commissioner to "issue teachers' certificates as provided by law". Rules 50-58 of Rules and Regulations of the State board prescribe qualifications for different kinds of certificates and could prescribe, but do not, special training for use of new media.

PRESCRIBING QUALIFICATIONS:

Same as for certificating teachers.

ACCREDITING SCHOOLS:

Sec. 39 (37-2-28) subsec. L, directs the commissioner to "inspect and accredit the public schools of the State". Express power, could imply authority to require minimum supply of new media. No evidence of requirement.

FEDERAL AID:

Sec. 26. Legislative assent is given to "Federal Aid under Public Law 85-864, 72 Stat. 1580, Eighty-Fifth Congress". It reads further: "The head of the Department of Education is authorized and empowered to do all things necessary to cooperate with the United States Government and to participate under that Act and any Act or Acts amendatory thereof or supplementary thereto, subject to prior concurrence of the Governor of Alaska."

INSTITUTES:

Sec. 39 (37-2-28) subsec. K states that the commissioner "may hold or arrange for the holding of teachers' institutes for the teachers of the State and approve the programs thereof". Implies authority to include study of new media.

OTHER PROCEDURES:

Sec. 24 authorizes the commissioner, the department of education, the State board, and local systems "to cooperate with the Association of Alaska School Boards in its in-service training program for school board members". This provides a forum and means of promoting the use of new media.

ARIZONA

Title 15, Arizona Revised Statutes, 1960, with 1961 amendments.

PLANNING:

Sec. 102(14) directs the State board to exercise general supervision over and regulate the conduct of the public schools. Sec. 102(11) directs it to devise plans for the increase and management of the State school fund. Express authority, implies authority to plan for use of new media.

Sec. 121 directs the superintendent of public instruction to "superintend the public schools of the State", and to hold an annual meeting of county school superintendents to discuss questions pertaining to public schools. Authority implied to plan for use of new media, but his role is not extensive.

Sec. 442 directs the board of trustees of a school district to maintain the schools established by them, visit each school and examine its management, condition and needs, and spend certain amounts for teaching aids relating to the textbooks selected. Express authority not great, but implies authority to plan use of new media.

Sec. 545 directs that the board of education of a high school shall have all the powers and duties vested in common school trustees (Sec. 442), but directs the board to prescribe the course of study, subject to approval by the State board. Same planning authority implied.

PREPARING CURRICULA:

Sec. 102 directs the State board to prescribe and enforce a course of study in the common schools, subsec. 15, to prescribe the subjects to be taught in all common schools, subsec. 16, and to prescribe a list of optional subjects to be taught in all common schools, subsec. 17. Authority express, implies authority to include new media in courses.

Sec. 442 directs the board of education of high school districts to prescribe the course of study, subject to approval by the State board. Implied authority to include new media, subject to State board approval.

ADVISING:

Sec. 102 directs the State board to exercise general supervision over schools and regulate conduct of public school system, subsec. 14, and to prepare, publish and distribute reports concerning the educational welfare of the state, subsec. 10. Express authority implies authority to advise in use of new media.

Sec. 121(4) directing State superintendent to hold annual meeting of county superintendents to discuss questions on schools, implies authority to advise on use of new media.

ORGANIZING:

General powers of State board, Sec. 102, implies authority to organize special units for use of new media.

Limited general power of boards or trustees for common schools, Sec. 442, and of boards of education of high school districts, Sec. 545, would still imply some authority to provide some internal organization for use of new media.

CONFERRING OUTSIDE:

General powers of State board, Sec. 102, would support implied authority to confer concerning new media with persons and organizations not in school organization, or to direct the State superintendent to do so.

Sec. 1191, giving board of trustees authority to employ teachers from outside of State on exchange basis, would provide implied authority to employ specialist in new media. Sec. 545 gives to board of education of high school district same powers as the board of trustees of common school district.

SELECTING:

The general powers of the State board, Sec. 102, to exercise general supervision over the school and to select textbooks could support implied authority to select new media.

The State superintendent, with limited powers only to superintend the schools and perform ministerial duties, Sec. 121 and 122, would not have such authority, but could exercise it for the State board.

The directive in Sec. 445 to boards of trustees to "purchase school furniture, apparatus, equipment, library books and supplies for use in the schools", implies authority to select before purchase.

Under Sec. 545, the board of education has the same express and implied authority as the board of trustees of common school district.

ACQUIRING:

No provision for acquiring at state level.

Express authority of board of trustees to purchase school supplies, apparatus and equipment, Sec. 445, would include in general description the new media, without need of implying authority.

Same authority for board of education of high school districts, Sec. 545.

FINANCING:

State board: Sec. 102 directs it to plan for management of State school fund and prepare budget. Implies allowance for new media.

State superintendent: Sec. 121 directs him, subject to approval of State board, to apportion State funds to counties. Could include allowance for new media.

All school boards: Sec. 1201 directs them to prepare budget on form showing items, including "teaching supplies", which could include new media. Sec. 1202 directs them to hold hearings on budget, "adopt" and submit final budget to county superintendent, and prohibits them from making expenditures for items not specified in budget.

All school boards: Sec. 445, for common schools, Sec. 545, for high schools, authorizes purchase of "apparatus, equipment...supplies for use in the schools". Express. Interpretation of class could include new media without necessity of implying.

REGULATING:

State board: Sec. 102 directs it to exercise general supervision and regulate conduct of school system. Implies authority to regulate use of new media and report on use.

State superintendent: Sec. 122 directs him to prepare and distribute forms with regulations for their use. Implies authority to require reports on use of media.

All school boards: Sec. 442 for common schools, and Sec. 545 for high schools, directs them to enforce the course of study. Implies authority to regulate use of new media.

DISTRIBUTING:

State level: no provision.

Clerks of school boards: Sec. 433 (3) directs them, under direction of school boards, to provide all school supplies, unless duty delegated to another employee. Could include distribution of new media, if any.

CERTIFICATING TEACHERS:

State board: Sec. 102 (21) directs it to prescribe rules and regulations and supervise and control the certification of teachers.

State superintendent: Sec. 122(5) directs him to prepare and print blank forms for teachers' certificates. Apparently no other authority.

PRESCRIBING QUALIFICATIONS:

Same as for certificating teachers.

ACCREDITING SCHOOLS:

State board: no express authority, but Sec. 102 directing it to prescribe and enforce a course of study in common schools, subsec. 15, prescribe subjects to be taught in such schools, subsec. 16, prescribe list of optional subjects to be taught there, subsec. 17, and prescribe textbooks for common schools, subsec. 18, is express authority to control instruction, and implies authority to exercise thus or otherwise some system of accreditation and include in its discretion a minimum of new media. Requirement of Sec. 545B that board of high school obtain approval of State board before prescribing course of study, gives State board same power here.

FEDERAL AID:

State board: Sec. 1141 states it may accept on behalf of the state monies appropriated by act of congress for defense in education, reduction of illiteracy, teaching of immigrants and other educational purpose. And, "following regular educational fiscal procedure for counties", it "shall be the chief educational authority for administration and supervision of the expenditure" of such federal appropriations.

INSTITUTES:

State board: Sec. 102(24) directs it to "conduct a teachers' institute at times and places the board deems advisable". It could provide for training in use of new media on express authority.

OTHER PROCEDURES:

Arizona School Board Association: Sec. 141 provides that members of all local school boards are ex officio members, and directs the association to coordinate education policies and procedures, and submit to the State superintendent and the legislature reports and recommendations for legislation to improve the school system. Express authority could be used to promote use of new media.

ARKANSAS

Title 80, Arkansas Statutes Annotated, 1947, with 1961 Cumulative Pocket Part.

PLANNING:

Arkansas Educational Television Commission: Sec. 3905 directs the Commission to survey, study and appraise need for over-all plan for television, to control and supervise use of channels, and do other things. Express and implied authority to plan.

State board: Sec. 113 directs it to exercise general supervision of the public schools, recommend courses of study, and take such other action as it deems necessary to increase the efficiency of the schools. Authority to plan use of new media could be implied as necessary incident of express power.

County boards: Sec. 202 directs them to direct and supervise schools in their county. Implied authority to plan.

PREPARING CURRICULA:

Arkansas Educational Television Commission: Sec. 3905 authorizes it to issue regulations governing programs televised, but probably this would not extend to content of curricula.

State board: Sec. 1601 requires that all courses in the elementary schools be approved by it. Express. No legislation on high school courses, except prescribed subjects, like American history and civics.

County boards: Sec. 202 directs them to direct and supervise schools in their jurisdiction, except those employing superintendents. Implied authority to pass on curricula of other schools and probably of those with superintendents.

County supervisor: Sec. 225, authorizes him to advise schools on instruction. Implied authority to advise on curricula.

ADVISING:

State board: Sec. 113 directing it to exercise general supervision over school would include advising on use of new media as a natural function of supervising. Express.

County boards: Sec. 213 gives corresponding authority to them.

County supervisor: Sec. 225, authorizing him to advise schools would cover advising on new media. Express.

ORGANIZING:

State board: Sec. 113, giving general powers of supervision, would imply authority to organize units for using new media.

County boards: Sec. 213, giving general powers of supervision and directing, would imply same authority to them.

CONFERRING OUTSIDE:

State board: Sec. 113, giving general power of supervision to it would imply authority to confer on new media outside of educational structure.

County supervisor: Sec. 225(d) directs him to organize teachers' association in county, which strictly speaking are not in educational structure and provide forum for discussing new media.

SELECTING:

State board: Sec. 113 directing State board to supervise purchase and distribution of textbooks, might imply similar authority for other instructional media, including new ones.

County boards: Sec. 214 authorizing them to purchase certain property for schools, might imply authority to select before purchasing new media.

County adopting units: Sec. 1728 directing them to adopt textbooks with advice of county supervisor (and presumably city cuperintendent) after receiving notice from State board, might be used to imply authority to select or recommend new media for them.

ACQUIRING:

Arkansas Educational Television Commission: Sec. 3905 authorizing it to own and operate a station implies purchase.

County boards: Sec. 214 authorizing them to purchase certain property for schools would be express authority to acquire new media if extended to them.

School directors and school districts: Sec. 402 authorizing school districts (through action of directors) to acquire personal property is express authority for acquiring new media within budget.

FINANCING:

Legislature: Sec. 1702 directing it to make appropriations for textbooks, and other directives to provide for school system, could be extended to appropriating State funds for new media in discretion of legislature.

State board: Sec. 1723 directs it to distribute textbook funds appropriated. Sec. 713 directs it to apportion and distribute to the counties funds received from the State.

County boards: Sec. 722 directs them to apportion to the schools funds received from the State, from local taxes, fines and penalties received.

REGULATING:

Arkansas Educational Television Commission: Sec. 3905 authorizes it to make rules and regulations governing operation of television stations and programs televised. Express.

State board: Sec. 113 directing it to exercise general supervision of public schools and take other necessary action is express authorization to be interpreted as including regulations for use of new media.

County boards: Sec. 213 directing them to direct and supervise schools in their counties give similar authority.

State commissioner: Sec. 118 establishing office to provide executive for State board implies his authority in carrying out policies of State board to require reports, which could cover use of new media.

PRODUCING:

Arkansas Educational Television Commission: Sec. 3905 authorizes it to operate stations or contract with others to do so. Express.

CERTIFICATING TEACHERS:

State board: Sec. 114 authorizes it to prescribe rules and regulations for certificating teachers and to issue licenses.

Chief county school officer (county supervisor, Sec. 225); Sec. 1202 designates him as agent of State board to conduct teachers' examinations. No reference to requirement concerning new media.

PRESCRIBING QUALIFICATIONS:

State board: Sec. 114 authorizing it to make regulations for certificating teachers could imply authority to require special training in use of new media.

ACCREDITING SCHOOLS:

State board: Sec. 113 directing it to qualify and standardize public schools and to prescribe requirements for accrediting them' would be express authority to require, in their discretion, a minimum supply of new media for accreditation.

FEDERAL AID:

State board: Sec. 123 declares that the Arkansas General Assembly accepts all Federal aid to education which may be provided by Congress and designates the State board as the State educational authority to administer such funds and to make such rules and regulations as are necessary to meet all requirements of the Federal government in connection with them. Secs. 140 and 141 authorize State board to receive and administer Federal funds to assist local school districts to provide elementary and secondary school facilities.

State treasurer: Sec. 124 appoints him as trustee of funds received pursuant to Sec. 123, supra.

LIBRARY PROGRAMS:

County supervisor: Sec. 225(n) directs him to cooperate with local school districts to improve school facilities and to improve rural school libraries and teaching equipment, which could include new media. Express.

City superintendent: Sec. 534 gives same directive to him.

INSTITUTES:

County supervisor: Sec. 225(d) directs him to call at least two teachers' meeting a year.

City superintendent: Sec. 534 gives same directive to him.

Teachers: Sec. 1218 requires them, unless they are teaching in city with population of 5,000 or more, to attend such meetings, for purpose of having a general exchange of ideas. Could provide forum for discussing new media.

OTHER PROCEDURES:

County supervisor: Sec. 225(d) requires him to organize teachers' associations.

CALIFORNIA

Education Code, 1961, Vols. 1 and 2

PLANNING:

State board: Sec. 153 requiring it to make plans for improving public schools could include planning for new media. Sec. 8878 requiring that all applications on behalf of school districts for television transmission license or for Federal funds for educational television be submitted to State board implies function of over-all planning.

State superintendent: Sec. 252 directing him to execute, under direction of State board, all of its policies, implies wide range of planning. Sec. 262 directing him to conduct experimental work in various media, including radio and vision, and Sec. 263 authorizing him to develop audial and visual curriculum materials, both imply planning for these media. Sec. 253 directing him to superintend the schools of the State implies and requires wide range of planning.

State Council of Educational Planning and Coordination: Sec. 502 requiring it to study coordination between schools and colleges (with State superintendent, who is member) requires planning and implies including in plans instruction with new media.

Television Coordinator: Sec. 8875 directs him to prepare plan for television to serve needs of State. Same section implies further planning by him as official State agency to process applications for Federal funds for television, coordinate activities of all State organizations concerned with educational television.

State department of education: Sec. 351 establishing the department, to be administered through the State board and the State superintendent, Sec. 359 directing it to maintain control of educational property delivered to it, and Sec. 360 directing it to enforce laws and administer functions relating to organizations merged in it, imply a wide range of planning by the whole staff. Other functions of the department can be treated under those of the State board or State superintendent, unless specific provisions require otherwise.

County boards: Sec. 651-653 prescribing general duties for them imply planning which necessarily includes audio-visual media provided for in Secs. 811 and 8851-8857, requiring approval.

County superintendents: Secs. 811 and 8851-8857 relating to agreements they are authorized to make with school districts, subject to approval of their county boards, for the supply of audio-visual equipment and services and employment of necessary assistants for such programs, and Sec. 8857 relating to agreements with school districts for television programs or operation of television stations, require and clearly imply extensive planning. Secs. 801 and 802 describing their general powers and duties also imply planning which could be applied to new instructional media, but these authorizations can all be subsumed under the specific provisions of Sec. 811 and 8851-8857.

Governing boards of districts: Secs.811 and 8851-8856 providing for their agreements with county superintendents for audio-visual equipment and services, Sec. 8857 providing for similar agreements or individual action of boards to obtain television programs or operate television stations, necessitate planning which is naturally implied. The powers of the governing board of the 13 different types of school districts differ in accordance with special provisions for each of them, but the minimum general power of school boards, in Sec. 901, to control the schools in the district implies planning. Such authority, however, here and in later references to functions, in so far as possible, will be subsumed under the specific provision of Sec. 811 and 8851-8857, relating to audio-visual media, and the planning or other function implied, if not expressed.

PREPARING CURRICULA:

Legislature: Sec. 8501 states its policy in establishing County School Service Fund which provides funds and authority for a number of things, including use of audio-visual equipment and implies changes in curricula to use it.

Curriculum Commission: Sec. 7509 directs it to make recommendations to State board concerning basic standards, which implies recommendations on use of audio-visual aids.

State board: Sec. 7510 requires it to "adopt" standards for courses, making them obligatory, implying requirements for use of some audio-visual equipment.

County boards: Sec. 654 requires them to prescribe the course of study for elementary schools, implying authority to require some use of audio-visual aids. Sec. 7553 requires them to prescribe course of study for "all schools" (i.e. all levels) except those in certain cities having board of education, subject to approval of State board. Same implication.

County superintendents: Sec. 8503 authorizing them to employ personnel for coordination of studies, and Sec. 8551 authorizing them, with approval of county boards, to prepare courses of study for elementary schools, and Sec. 8552 authorizing them to enter into agreements with local boards for that purpose, imply authority to recommend to county boards use of audio-visual aids in courses.

Boards of education in certain cities (large): Sec. 7552 requires them to prescribe courses for all grades, subject to approval of State board, and implies authority to require some use of audio-visual aids.

ADVISING:

Television Advisory Committee: Sec. 8873 requires it to give advice and guidance to Television Coordinator.

Television Coordinator: Sec. 8875 requires it to advise with governmental agencies on location of television stations and to coordinate activities of all concerned with television, implying advice at all levels.

State board: Directives to it in Sec. 152 to make rules and regulations for schools, Sec. 153 to plan for improvement of schools, and Sec. 157 to have necessary printing done by State printer, all imply advising school employees on use of audio-visual aids.

State superintendent: Directives to him in Sec. 252 to execute policies of State board, Sec. 253 to superintend the schools and furnish to officers and teachers books necessary for discharge of their duties, and Sec. 263 to develop audio-visual curricular material and prescribe standards, all imply authority to advise, and require it, by implication, as part of his duty.

County superintendents: Sec. 811 and Secs. 8851-8856 authorizing them to enter into agreements with school districts, with approval of county boards, to supply audio-visual equipment and services, and similar agreements for television, Sec. 8857, imply advising as necessary part of duty. The whole block of statutes, Secs. 8501-9157, dealing with the County School Service Fund, provides an extensive service function for county superintendents in their relations with schools, which requires, by implication, advising through service staff employed to coordinate courses, Sec. 8503, prepare courses for certain schools, Sec. 8551, provide library services, and other activities, affording occasion to advise on audio-visual aids. They are advising when they buy projection equipment for "orienting school districts to audio-visual services", by authority of California Administrative Code, Title 5, Sec. 1493c.

Governing boards of all districts: Sec. 984 requires them to visit schools and inquire into needs, implying authority to advise on audio-visual aids. Sec. 1002 authorizes them to prescribe duties of all employees, implying authority to require principals for ordinary districts, Sec. 1000, or for larger districts, Sec. 1001, to advise.

Boards of unified school districts: Sec. 1493 authorizing them to employ jointly with others a supervisor of instruction implies authority to require advising on audio-visual aids.

ORGANIZING:

Television Coordinator: Sec. 8874 establishing his office in the Department of Finance, and Sec. 8875 requiring certain duties relating to television, imply a staff in that Department appointed under its basic authority.

College boards of trustees; Sec. 23624 authorizing them to operate television broadcasts and provide "necessary services" implies authority to organize a staff.

State board: Sec. 362 authorizing it to organize divisions in the department of education on recommendation of the State superintendent would give authority to establish an organization for audio-visual services.

Department of education: Sec. 27054b authorizing it to establish library service centers would provide authority to organize a unit to handle educational films in libraries.

State superintendent: Sec. 253 requiring him to superintend schools would give authority to recommend establishment of units or procedures for audio-visual activities within existing school structures and budgets.

County superintendents: Secs. 811 and 8851 authorizing them to make agreements, subject to approval of county boards, to make agreements with school districts for audio-visual services and equipment, and Sec. 8857 authorizing similar agreements for television, contemplate employment of staff as "an expense necessary to carry out the program" with salary allowance, ibid., and credential requirements, Sec. 8852.

Governing boards of all school districts: Secs. 811 and 8851-8857 authorizing agreements with county superintendents for audio-visual services and equipment and television imply necessity and authority to organize special units with existing personnel, and Sec. 1002 authorizes them to prescribe duties of personnel for such purpose.

Boards of education in certain large cities: Sec. 6601 authorizing them to establish foreign language classes in special elementary "cosmopolitan" schools implies necessity and authority to organize special unit for using audio-visual language aids.

Boards of union school districts: Sec. 1173 authorizes them to "arrange for organization" of schools, and would supply authority to organize special units.

CONFERRING OUTSIDE:

State board: Sec. 153 requiring it to plan for improving schools would imply authority to confer outside school organization concerning audio-visual instruction.

State superintendent: Sec. 252 directing him to execute policies of State board, and Sec. 253 directing him to superintend schools would imply authority to confer outside concerning use of new aids.

Televison Coordinator: Sec. 8874 directs him to confer with Federal authorities and various agencies concerning educational television.

County superintendents: Secs. 811, 8851-8857, concerning agreements for their furnishing audio-visual services, equipment, and television to school districts, require them to confer outside of school organization for procurement and other purposes and imply authority to do so.

SELECTING:

State superintendent: Sec. 263 authorizing him to develop audio-visual aids and prescribe standards for them gives express authority, which is probably extensively used.

County superintendents: Secs. 811, 8851-8857, concerning agreements by them to supply audio-visual equipment, services, and television to school districts implies authority to select (if not prescribed by the State superintendent, supra) before purchase and supply.

County boards: Sec. 8851c requires them to "adopt" films and filmstrips, i.e. select, before they can be purchased by county superintendents for supply to school districts.

All school boards: Sec. 15958 authorizes them to buy, and therefore select, several kinds of supplemental instructional material, including films, without advertising for estimates, outside of program for obtaining such supplies from county superintendents.

Television Coordinator: Sec. 8867 provides that he shall have no jurisdiction over the content of television programs, i.e. no power of selection.

ACQUIRING:

State board: Sec. 9351 authorizes it to lease maps and engravings for the manufacture of textbooks.

Department of education: Sec. 27052, requires it, in connection with library program to purchase certain equipment, including maps, engravings and paintings, for libraries.

County superintendents: Secs. 811 and 8851-8857 concerning agreements with school districts for supply of audio-visual equipment and television authorize them to pay for equipment and services out of county school service funds in purchasing for supply to schools. California Administrative Code, Title 5, Sec. 1493, prohibits them from purchasing films and filmstrips unless these have been "adopted" by their county boards, or purchasing projection equipment unless intended for some one of the several uses described in the county school service fund program for supplying audio-visual equipment and services to schools.

All school boards: Secs. 811 and 8851-8857 require them to pay to county superintendents sums agreed upon for obtaining use of audio-visual equipment and services. Sec. 8878 requires that all applications for television licenses on behalf of school districts must be submitted first to department of education. Sec. 16505 authorizes school boards to purchase necessary supplies directly from the vendor unless electing, or required in case of small districts, to procure supplies through county superintendents, by procedure of Sec. 16501. Sec. 8857 authorizes them to contract with other school boards or with county superintendents to obtain television programs, and Sec. 1092 authorizes them to contract with other districts, subject to approval of county superintendents, for performance of school services which could relate to audio-visual aids.

County boards: Sec. 16501 directs them to issue regulations under which certain small elementary school districts are required, Sec. 16503, to purchase "standard school supplies and equipment" through county superintendents or when so directed by him through county purchasing agents.

Boards of union or joint union districts: Sec. 1172 authorizes them to appoint an executive committee for certain purposes, including procurement, which could include audio-visual aids.

Some school boards: Sec. 15961 authorizes those with power to contract in certain matters to delegate power to their district superintendent for action to be ratified by board before binding it. Might be used for procurement of audio-visual aids.

School boards of certain large cities: Sec. 15962 authorizes them to adopt rule delegating to an officer or employee authority to purchase supplies, materials, apparatus and equipment up to a value of $10,000.

School boards of city and high school districts: Sec. 16508 authorizes them to request county superintendents to act as purchasing agent, or he may arrange for county purchasing agent to make procurement for them.

FINANCING:

State superintendent: Sec. 17702 directs him to compute the "district aid" required from State appropriations, according to formulas, Sec. 17703-17705, He computes the "foundation program", Sec. 17651. The California Administrative Code, Title 5, Sec. 1528 contains the formula fixed by the State board to be followed by him in allocating funds for audio-visual services under Secs. 8851-8856, and presumably under Sec. 811; and Sec. 1529 of the same Code provides that such allowances, as well as Federal allocations for the same purpose, be kept as a restricted portion of the county school service fund.

County superintendents: Secs. 811 and 8851-8857 concerning audio-visual equipment, services, and television, provided by them to school districts, requires them to collect from, or charge against credits of, school districts sums in partial payment of equipment and services provided to them, less contributions for such purposes received by the Federal government. Sec. 20701 directs them to determine amounts to be raised by local taxation on basis of budgets prepared by school boards, Secs. 20601, 20606, and after obtaining approval of county boards, Sec. 651, they send budgets to State superintendent, ibid., and to local political authorities, Sec. 20702, who levy taxes, Sec. 20705.

All school boards: Secs. 811 and 8851-8857, referred to above, require them to pay to county superintendents a share of the cost of audio-visual equipment, services, and television provided. Sec. 20601 requires them to submit tentative budget to county superintendents, and Sec. 20651 requires them to submit final budget to county superintendents and to State superintendent, as basis for State aid and for local taxation. Sec. 8857 authorizes them to charge other school districts, on cost reimbursement basis, for television services provided to such districts.

Trustees of any State college: Sec. 23624 authorizing them to operate television facilities and provide services, implies authority to charge for services, but provides that only State appropriations allocated specifically for such activities shall be used by them.

REGULATING:

Television Coordinator: Sec. 8877 requiring that applications for television licenses be submitted to him for review implies authority to regulate through reasonable requirements.

State board: Sec. 152 directing it to issue rules and regulations implies authority to regulate use of audio-visual aids.

State superintendent: Sec. 253 directing him to superintend schools, implies regulating authority. Sec. 254 authorizes him to make regulations concerning contracts with Federal agencies, which could apply to audio-visual aids. Sec. 263 authorizes him to regulate the use of such aids developed by him for curricular use.

Department of education: Sec. 8878 requiring that applications on behalf of school districts for television license be submitted to it, implies authority to impose reasonable regulations. Sec. 27052 authorizes it to regulate use of maps in State library.

County boards: Sec. 651 directs them to issue rules and regulations, which could supply authority to control use of audio-visual aids.

County superintendents: Sec. 801 directing them to superintend schools implies some authority to regulate. Secs. 811 and 8851-8857 concerning supply agreements for audio-visual materials provides opportunity for them to regulate through terms of agreements with using school districts.

All school boards: Sec. 901 directing them to control school districts and Sec. 984 authorizing them to issue rules and regulations authorizes them to regulate use of audio-visual materials.

DISTRIBUTING:

County superintendents: Secs. 811 and 8851-8857 relating to agreements with school districts for supply of audio-visual equipment, services, and television, authorizes them to distribute. Sec. 8801 authorizing them to take over contracts of county libraries for supply of study materials to schools would authorize them to supply educational films through such services, and other library services in sections following.

School districts: Sec. 8857 authorizing them to operate television stations and supply programs under agreement with other school districts is express authority for this kind of distribution.

PRODUCING:

State board: Sec. 157 directing it to have State printer print material needed by it would provide authority to produce certain audio-visual materials or instructions concerning them.

State superintendent: Sec. 263 authorizing him to "develop audial and visual curriculum materials" implies production. Sec. 253 directing him to prepare and furnish to teachers and officers such books as may be necessary for their duties would be express authority to produce and furnish lists of audio-visual supplies and equipment.

County superintendents: Sec. 9155 authorizing them, with approval of their county boards, to provide for publication of materials necessary in connection with curricular and special services in the county (e.g. supply of audio-visual equipment, etc., under Secs. 811 and 8851-8857), is authority to produce or publish aids or instructional pamphlets for teacher guidance.

All school boards: Sec. 8857 authorizes them to operate television transmission facilities, i.e. produce programs.

CERTIFICATING TEACHERS:

State board: Sec. 152 directs it to adopt rules and regulations for its appointees and employees. California Administration Code, Title 5, Secs. 200-846, contains its regulations concerning certification, which could require special training for work with audio-visual equipment.

County superintendents and county boards: Article IX, Sec. 7 of the Constitution provides that "the county superintendents and the county boards of education shall have control of the examination of teachers and the granting of teachers' certificates within their respective jurisdictions". This authority is subject to approval of the State board, of course, or can be exercised only in conformity with its rules and regulations, supra.

Employees under County School Service Fund Programs: Sec. 8504 requires that they hold valid credentials "issued by the State board" of one of four types described, which qualifies them for work in service program, including, but not specified, work of supplying audio-visual equipment, services and television under Secs. 811 and 8851-8857.

Certified employees: Secs. 13101-13570 contain provisions relating to them, and Sec. 13101-13197.7 describe qualifications and licensing procedures.

Classified employees: Sec. 13580-13756 describe qualifications for such employees not requiring certification.

PRESCRIBING QUALIFICATIONS:

State superintendent: Sec. 251 authorizes him to employ expert assistants, which would cover authority to screen for experience with audio-visual equipment.

County superintendents: Sec. 9152 authorizes them to screen and direct teachers to schools, implying same authority.

All school boards: Sec. 1002 authorizes them to prescribe duties of employees, which implies prescribing with respect to experience with audio-visual materials.

Superintendents of school districts: Sec. 1551 authorizes them to assign certificated personnel to positions, subject to approval of their governing boards, which would imply authority to prescribe qualifications for work with audio-visual aids.

Employees in audio-visual program: Sec. 8852 prescribes special qualifications for them.

ACCREDITING SCHOOLS:

State board: Sec. 152 directing it to adopt regulations for the government of schools implies authority to require minimum supply of audio-visual equipment.

Curriculum Commission: Sec. 7509 directs it to recommend minimum standards to the State board, and Sec. 7510 requires conformance by schools when standards are adopted by State board, which would permit requirement for minimum supply of audio-visual equipment.

State superintendent: Sec. 263 authorizing him to develop audial and visual curriculum materials and prescribe standards permits him to participate in fixing requirements for accrediting schools.

BUILDING SCHOOLS:

School districts: California Administrative Code, Title 5, Sec. 2053, prohibits them from using any part of State School Building Aid Fund for payment of projecting screens, broadcasting systems, television, and certain other audio-visual equipment in construction of school buildings, and by implication requires that they use local funds to pay for such equipment.

FEDERAL AID:

Television Coordinator: Sec. 8875 directs him to serve as the official State agency for processing applications for Federal funds for educational television and for receiving and distributing such funds, but specifically exempts the Board of Regents of the University of California "or any other agency" from requirement to submit requests for Federal aid through the Coordinator, if such funds are "for a purpose other than a capital outlay".

State board: Sec. 553 designates it as the agency to carry out the purposes of the State's acceptance of NDEA in Secs. 551-559.

State treasurer: Sec. 555 designates him as custodian of NDEA funds and authorizes him to receive them.

State superintendent: Sec. 254 directs him to prescribe regulations concerning contracts made with agencies of the Federal government for funds, services, commodities, or equipment, and Sec. 255 provides that all such contracts must conform to those regulations.

All school boards: Sec. 8857 authorizes them and a county superintendent of schools (presumably in joint undertaking for educational television) to accept grants in aid from any public of private source.

LIBRARY PROGRAMS:

Department of education: Sec. 27052 directs it to buy maps, engravings and paintings for the State library.

All school boards: Sec. 15958 authorizes them certain library supplies, including educational films, in any amount needed for operation of the schools without taking estimates or advertising for bids.

RESEARCH PROGRAMS:

Television Coordinator: Sec. 8875 directing him to make plans for television, implies authority to conduct research for that purpose.

State superintendent: Sec. 262 authorizing him to conduct experimental work in education through radio and vision, and Sec. 263 authorizing him to develop audial and visual curriculum materials, imply authority to conduct research.

County superintendents: Sec. 9154 authorizing them, with approval of county boards, to employ personnel for research connected with curricular and special services, would cover research in use of audio-visual equipment.

All school boards: Sec. 918 authorizing them to conduct research concerning needs of schools would support research in use of audio-visual equipment.

INSTITUTES:

County superintendents: Sec. 9051 authorizes them, with approval of county boards, to hold an annual teachers' institute. Secs. 13361-13380 describe procedures and conditions. Sec. 9052 authorizes then, with approval of county boards, to hold an annual institute for non-certified employees. Secs. 13621 and 13622 repeat authority and describe conditions and procedures. Such institutes could be used for instruction in use of audio-visual equipment.

OTHER PROCEDURES:

All school districts: Sec. 991 authorizes them to maintain exhibits in educational programs at county fairs.

County superintendents; Sec. 9101 authorizes them, with approval of county boards, to hold one meeting each year of the trustees of school districts in their jurisdiction.

COLORADO

School Laws of the State of Colorado 1956; School Laws Enacted 1957, 1958, 1959, 1961 (Colorado State Department of Education)

PLANNING:

State board: Sec. 123-1-5 authorizing it to make policies for the department of education, and exercise other powers for general supervision of schools, implies authority to plan for use of new media.

State commissioner: Sec. 123-1-7, directing him to provide for a continuous research program for improvement of schools, subsec. 3, direct the preparation of standard courses of study, subsec. 5, and make available to all school boards expert assistance in connection with planning, subsec. 7, implies authority to plan for use of new media.

County superintendent: Sec. 123-2-2, directing him to exercise supervision over schools, implies authority to plan or assist local boards to plan for use of new media.

All district school boards: Sec. 123-10-21, authorizing and directing them to fix the course of study, subsec. 2, and to provide for school equipment and for everything needed in the school buildings, implies authority to plan for use of new media.

PREPARING CURRICULA:

State commissioner: Sec. 123-1-7, authorizing and directing him, subject to approval of State board, to direct the preparation of standard courses of study and recommend them, implies authority to recommend provision for including new media in courses. Final decision in State board.

All district school boards: Sec. 123-10-21, subsec. 2, authorizing and directing them to fix the course of study, implies authority to include use of new media.

ADVISING:

State board: Sec. 123-1-5, authorizing and directing it to make policies, subsec. 2, and issue rules and regulations, subsec. 3, implies power to advise on use of new media.

State Commissioner: Sec. 123-1-7 authorizing and directing him, subject to approval of State board, to provide for research program to improve schools, subsec. 3, and to make available to all school boards expert advice on use of school buildings, subsec. 7, implies authority to advise on use of new media.

All district school boards: Sec. 123-10-21, authorizing and directing them to fix the course of study, subsec. 2, buy equipment, subsec. 3, implies authority to advise school staff on use of new media.

ORGANIZING:

State board: Sec. 123-1-5, authorizing and directing it to adopt policies, subsec. 2, and make rules and regulations, subsec. 3, implies authority to organize or direct organization special units for use of new media.

All district school boards: Sec. 123-10-21, authorizing and directing them to fix the course of study and the exercises to be used, subsec. 2, and to provide for everything needed for the use of the school board, subsec. 3, as well as giving extensive powers in other subsections on the control of schools, implies authority to organize any units needed for use of new media.

CONFERRING OUTSIDE:

State board: Sec. 123-1-5, vesting such powers and duties in it as are necessary for carrying out the general supervision of the schools, implies authority to confer concerning new media.

State commissioner: Sec. 123-1-7, authorizing and directing him to act as executive officer of the State board and carry out its policies, would imply authority to confer outside of the school system concerning new media.

SELECTING:

State board: Sec. 123-1-5, authorizing and directing it to make policies, subsec. 2, and to adopt regulations, subsec. 3, would imply authority to prescribe general rules for the selection of new media.

State commissioner: Sec. 123-1-7, subsec. 1, directing him to carry out policies of State board, and subsec. 5 to recommend standard courses, would imply authority to recommend to board standards for selection.

All district school boards: Sec. 123-10-21, authorizing and directing them to provide for school furniture and everything needed in the school house, implies necessary authority to select before buying new media. Probably free choice.

ACQUIRING:

All district school boards: Sec. 123-10-21, authorizing and directing them to provide for school furniture and for everything needed in the school house, is express authority to buy and would include new media by implication.

FINANCING:

State board: Sec. 123-1-5, authorizing and directing it to distribute State and federal apportioned school funds, subsec. 9, is express authority to distribute funds earmarked for new media.

State commissioner: Sec. 123-1-7, authorizing and directing him to accept and disburse federal aid, subsec. 12, is express authority to supply funds earmarked for purchase of new media.

All district school boards: Sec. 123-10-21, authorizing and directing them to provide for everything needed in the school house, subsec. 3, is express authority to spend school funds for equipment, including new media.

REGULATING:

State board: Sec. 123-1-5, subsec. 3, authorizing and directing it to make regulations necessary for the general supervision of the schools, is express authority to regulate use of new media.

State commissioner: Sec. 123-1-7, subsec. 12, authorizing and directing him to accept federal aid and property and to prescribe by regulations the conditions under which they may be accepted is express authority to regulate and would apply to new media if included in grant.

All district school boards: Sec. 123-10-21, authorizing and directing them to appoint teachers, provide supplies, govern pupils and teachers, exclude the use of certain publications, and perform many other duties connected with the operation of the schools would imply authority to regulate the use of new media.

CERTIFICATING TEACHERS:

State department of education: The Teacher Certification Act of 1961, Ch. 213, S.L. 1961, Sec. 5, provides that it is the sole agency authorized to issue teachers' certificates.

State board: Sec. 123-1-5; subsec. 3, authorizes and directs it to make regulations "for the proper certification of all regular school personnel". Express authority.

PRESCRIBING QUALIFICATIONS:

State board: Sec. 123-1-5, authorizing and directing it to make regulations for certification of regular school personnel, subsec. 3, and to make policies, subsec. 2, would imply authority to prescribe qualifications for employees using new media. The Teacher Certification Act of 1961, Ch. 213, S.L. 1961, prescribes qualifications needed for different kinds of certificates and letters of authorization, but does not refer to training for use of new media.

ACCREDITING SCHOOLS:

State board: Sec. 123-1-5, authorizing and directing it to make policies, subsec. 2, make regulations for the general supervision of the schools, subsec. 3, and distribute school funds to counties and districts which comply with school laws and regulations of the board, subsec. 9, would provide express authority to institute practices equivalent to a system of accreditation, in the absence of one so named, and to require a minimum supply of new media.

FEDERAL AID:

State board: Sec. 123-5-1 accepted for the State all provisions of the act of Congress entitled "an Act relating to the construction of school facilities in areas affected by federal activities, and for other purposes", approved September 23, 1950, and all acts supplementary thereto, and Sec. 123-5-2 designated the State board as "the sole state agency for carrying out the purposes of said act" (emphasis supplied) and authorized it to file application for federal grants under said act. Although application is expressly limited, the State attorney general would probably rule that the term "all acts supplementary thereto" in Sec. 123-5-1 would imply legislative intent for State board to act as sole State agency in case of other acts of Congress providing aid to education. But caveat.

State commissioner: Sec. 84-1-3 creates the State library as a division of the department of education, Sec. 84-1-4 names the State commissioner of education, ex officio, State librarian, and Sec. 84-1-7 directs him to serve as the agency of the State to receive and administer State and Federal funds for libraries. AND Sec. 123-1-7 subsec. 12 directs him to accept and disburse "all federal aid or other property, services and moneys allotted to the state board of education for state and local public schools or public educational functions, or allotted without designation of a specific agency for purposes which are within the functions of the state board of education..." Apparent conflict of authority should be clarified.

RESEARCH PROGRAMS:

State commissioner: Sec. 123-1-7, directing him to provide for a continuous research program for the betterment of the public school system, would be express authority to conduct research in use of new media.

CONNECTICUT

Laws Relating to Education, 1959; 1959 Supplement to Laws Relating to Education (Connecticut State Department of Education)

PLANNING:

State board: Sec. 10-4, describing general powers, and directing it to have general supervision and control of the educational interests of the State, to keep informed as to the condition of the schools, and to seek to improve the methods and efficiency of teaching by holding meetings of teachers and officers and by other means it deems appropriate, would clearly imply authority to plan for the use of new media, but in general its powers are far less than powers of State boards in many other States.

All boards of education (city, town, regional, but not subordinate town school committees): Sec. 10-220, describing general powers and duties, directing them to maintain good public schools, to make a continuing study of the need for school facilities and to make recommendations based on such study to the town [i.e. to the town meetings and town officials, for approval and action], to have care, maintenance and operation of school property and apparatus, and to perform all acts required of them by the town or necessary to carry into effect their powers and duties, would clearly imply authority to plan for the use of new instructional media. They are freer of top-level control than in most States, but are more subject to local control of town meetings, boards of finance, and boards of selectmen, than in most States.

PREPARING CURRICULA:

All boards of education (city, town, regional, but not subordinate town school committees): Sec. 10-221 directs them to prescribe rules for the management, studies, classification and discipline of the public schools and, subject to the control of the State board of education, the textbooks to be used, and to make rules for the arrangement and use of school libraries and the books selected for them, is express authority to determine the curricula, subject to legislative requirements in other sections that specified subjects be taught. They could include the use of new media in such curricula. They have a much freer hand in the operation of the schools than local boards in most States, the authority of the State board extending, apparently, only to the selection of textbooks, Sec. 10-4.

ADVISING:

State board: Sec. 10-4, giving it general supervision and control of the educational interests of the State would imply authority to advise on the use of new media, but hardly with any compulsive force.

All boards of education: Sec. 10-220, directing them to have operation of apparatus, and Sec. 10-221, directing them to prescribe rules for studies, would clearly imply authority to advise on the use of new media.

ORGANIZING:

All boards of education (city, town, regional): Sec. 10-221, directing them to make rules for the management of the schools, would clearly imply authority to organize special units for use of new media.

CONFERRING OUTSIDE:

State board: Sec. 10-4, giving it general supervision of educational interests, would imply authority to confer on use of new media.

SELECTING:

All boards of education (city, town, regional): Sec. 10-228, directing them to purchase such books, either as regular texts or as supplementary books and supplies, as are necessary to meet the needs of instruction in the schools, would give authority to purchase new media and imply selection before purchase. Regional boards of education have all the powers of city and town boards, Sec. 10-47.

ACQUIRING:

Same as selecting, supra.

FINANCING:

All boards of education (city, town, regional): Sec. 10-248 authorizes them to draw orders on the town treasurer for "the expenses of maintaining public schools in each town" incurred with approval of the town board of education, "except in so far as they may be met by the income from local school funds". This would cover purchase of new media.

State comptroller: Sec. 10-262 requires him, upon certification of pupil attendance by the State board, to pay to towns and school districts sums determined by a formula, such sums evidently being provided by State appropriations. These could contribute to the payment of costs of new media.

REGULATING:

State board: Sec. 10-4, directing it to prescribe the form of blanks and inquiries for returns to be made by boards of education, would provide express authority to require reports on the use of new media, but evidently it has no authority to regulate the use.

All boards of education (city, town, regional): Sec. 10-221, directing them to prescribe rules for the management, studies, and discipline of the schools, provides express general authority to regulate the use of new media, and require reports.

CERTIFICATING TEACHERS:

State board: Sec. 10-146 authorizes it to grant, in accordance with such regulations as it prescribes, certificates of qualification to teach or supervise in the schools, but provides that additional qualifications may be required by boards of education. Sec. 10-148 prohibits the employment of any teacher who does not have a certificate.

PRESCRIBING QUALIFICATIONS:

State board: could require special training in use of new media to qualify for a certificate under Sec. 10-146. Implied.

All boards of education (city, town, regional): Sec. 10-151 authorizes them to authorize a superintendent of schools to appoint teachers, or to nominate teachers for appointment by them. This section, and Sec. 10-146 authorizing them to require qualifications in addition to a certificate of the State board, would imply authority to require special training in the use of new media as a prerequisite to appointment.

ACCREDITING SCHOOLS:

All boards of education (city, town, regional): Sec. 10-221, authorizing them to prescribe rules for the classification and discipline of schools, would imply authority to require a minimum supply and use of new media in what would be equivalent to a system of accreditation.

FEDERAL AID:

State board: Sec. 10-11 authorizes it to receive any Federal funds made available to the State for educational purposes, except those designated for the University of Connecticut, and to expend them for the purposes indicated. The State treasurer is custodian. Sec. 10-11a authorizes it to allocate and use any appropriation or special fund to meet the matching requirements of the Federal acts making funds available to the State for educational purposes.

LIBRARY PROGRAMS:

All boards of education (city, town, regional): Sec. 11-30 authorizing any State agency to contract with any other State agency, municipality, taxing district or public or private library to provide or secure various library services, including "cooperative purchasing and processing of books, recordings, films and related library materials" (emphasis added), would be express authority for such boards to establish a procurement program for new media through this procedure. The same authority would extend to the State board if it had purchasing authority, but this is not clear.

ESEARCH PROGRAMS:

State board: Sec. 10-4, describing general powers and duties, and directing it to seek to improve the methods and efficiency of teaching, through holding meetings of teachers and through other means deemed appropriate, would imply authority to conduct research in the use of new media.

All boards of education (city, town, regional): Sec. 10-220, directing them to make a continuing study of the need for school facilities and to make recommendations based on such study to the town, would imply similar authority, but perhaps principally through the activities of the boards themselves.

INSTITUTES:

State board: Sec. 10-4, directing it to seek improvement in the efficiency of teaching "by holding, at convenient places in the state, meetings of teachers and school officers for the purpose of instructing in the best modes of...teaching", is an express directive to hold "institutes".

DELAWARE

Title 14, Delaware Code Annotated, 1953, with 1960 Cumulative Pocket Part; School Laws of Delaware, 1961 (State Department of Public Instruction)

PLANNING:

State board: Sec. 121 directs it to determine State educational policy and to conduct investigations relating to educational needs and means of improving conditions. Authority to plan implied, and has particular reference to school districts in which the State board has operational responsibility (but much less to special school districts, which have operational responsibility).

Boards of education, special school districts: Sec. 941 directs them to determine the educational policy, adopt courses of study, select educational equipment, and perform other acts clearly implying authority to plan.

PREPARING CURRICULA:

State board: Sec. 122 directs it to adopt rules and regulations of various kinds, including rules determining the minimum courses for all public schools. Sec. 2502 directs it to adopt and publish standard courses for all high schools. Authority implied to include new media.

Boards of education, special school districts: Sec. 941(3) directs them to adopt courses, subject regulations of State board. Same authority implied.

ADVISING:

State board: Sec. 121 (general powers), directing it to consult and advise with all school boards, officials and teachers, is express authority to advise on new media.

Boards of education, special school districts: Sec. 941 (general powers and duties), directing them to prescribe regulations for management of schools, adopt courses, select equipment, and perform other acts, implies authority to advise on new media.

ORGANIZING:

State board: Sec. 121 (general powers), directing it to exercise general control of the schools, appoint professional assistants, and do other acts, and Sec. 122 directing it to make regulations on various subjects, including number of teachers in all schools, would imply authority to organize units for use of new media.

CONFERRING OUTSIDE:

State board: Sec. 121 (general powers) includes express authority and a directive to consult with school officials and "interested citizens" on educational matters, and would include authority to confer on use of new media.

SELECTING:

State board: Sec. 122 directing it to issue regulations on various subjects, including standards of equipment for all schools, and Sec. 123 directing it to furnish supplies to school districts throughout the State (having special reference to State operated districts), would imply authority to regulate and to make some selections of new media.

Boards of education, special school districts: Sec. 941 (general powers and duties) directs them to "select, adopt, purchase and distribute free of charge...maps, globes and charts, materials of instruction ...educational equipment, apparatus and supplies..." and is express authority to select new media purchased by them.

ACQUIRING:

State board: Sec. 123, directing it to furnish supplies to school districts throughout the State (having special reference to State operated districts), is express authority for it to acquire new media for their use.

Boards of trustees (in small, State operated districts): Sec. 712 directs them to requisition from the State board "maps, globes and charts, materials of instruction...educational equipment, apparatus and other supplies..." and is express authority for acquiring new media.

Boards of education, special school districts: Sec. 941 (general powers and duties), directing them to purchase the same kind of equipment listed above in Sec. 712, is express authority for acquiring new media.

FINANCING:

General assembly: Sec. 1701 directs it to make appropriations "which shall amply provide for the items of the official school budget", which would cover authorized new media, and Sec. 1706 provides a formula for allocating funds to all school districts throughout the State to cover the purchase of textbooks, furniture, and other classroom equipment.

All school districts: Sec. 1902 authorizes them, "in addition to the amounts apportioned...by the State Board of Education or appropriated ...by the General Assembly" to levy and collect additional taxes for school purposes. This could provide in part for financing purchase of new media.

REGULATING:

State board: Sec. 121 (general powers), directing it to exercise control over the public schools, and to require reports from all school boards, and Sec. 122 directing it to adopt regulations on various subjects, including standardization of schools and equipment, imply authority to regulate the use of new media and to require reports and statistics on such use.

Boards of education, special school districts: Sec. 941, (general powers and duties) directing them to determine educational policies and prescribe regulations for the conduct and management of schools, implies authority to regulate use of new media in the schools.

DISTRIBUTING:

School boards (in small, State operated districts): Sec. 712 directs them to requisition from the State board maps, globes and charts, and educational equipment, which would include other new media. Implied authority of State board to distribute.

Boards of education, special school districts: Sec. 941 directs them to purchase and distribute free the same types of new media.

CERTIFICATING TEACHERS:

State board: Sec. 122 directs it to make regulations on various subjects, including those "governing the qualification and certification of teachers in all the public schools...", and implies authority to require training in use of new media.

State board and all lesser boards having power to make "regulations governing the qualification and certification of teachers..." (indefinite description, Sec. 1201): Sec. 1202 provides that teachers who meet"initial requirements for certification by the certifying boards" shall receive a certificate, implying conformity with basic regulations of the State board and authority of lesser boards to issue certificates and perhaps to require some training in use of new media.

PRESCRIBING QUALIFICATIONS:

Same as above.

ACCREDITING SCHOOLS:

State board: Sec. 122 directs it to prescribe regulations for the grading and standardization of all public schools, including equipment; Sec. 2501 vests in it the professional supervision of all high schools; Sec. 2502 directs it to prescribe minimum requirements for high school laboratories; Sec. 2503 directs it to adopt standard curricula for them; and Sec. 2504 directs it to approve or disapprove high schools according to their conformity to standards and requirements. These sections could apply to use of new media.

Boards of education, special school districts; Sec. 941 directs them, subject to approval of the State board, to standardize schools. This might apply to use of new media.

FEDERAL AID:

State board: Sec. 1504 provides in part that "such money as is received from the Federal Government for school purposes under any law, shall be paid by the State Treasurer...as required by the State Board of Education..." No other legislation and nothing more specific on subject.

RESEARCH PROGRAMS:

State board: Sec. 121 (8) directs it to conduct investigations relating to educational needs and to employ expert assistants for that purpose. Express authority could apply to new media.

INSTITUTES:

Superintendent of each school district: Sec. 974 directs him to organize institutes and conferences, and could apply to study of new media.

FLORIDA

Florida School Laws, 1961 (Title XV, Florida Statutes)

Authority, express or probably implied, to deal with audio-visual media of instruction, with respect to:

PLANNING:

Florida educational television commission: Sec. 246.11 directs it to cooperate with all educational agencies in the State in surveys relating to use of educational television, and Sec. 246.08 authorizes it to establish a television network as designated by the State board of education. Implied.

State board: Sec. 229.07 (general powers) directs it to adopt policies necessary for any phase of public education. Express, general including specific.

State superintendent: Sec. 229.16 directs him to recommend to State board improvements in public education. Express, general including specific.

County boards: Sec. 230.23 (3) directs them to adopt school program and make surveys for long-range planning. Express, general including specific.

County superintendents: Sec. 230.33 directs them to recommend plans for proper use of teaching accessories and aids needed. Express, general, implying specific.

PREPARING CURRICULA:

State board: Sec. 233.05 authorizes it to make changes in courses of study. Express, could imply specific.

State superintendent: Sec. 233.04 directs him to consider recommendations of committee on courses of study and recommend changes to State board. Express, could imply specific.

Committee on courses of study: Sec. 233.03 directs it to examine courses of study and recommend to State superintendent changes in curricula. Express, general, could imply specific.

County boards: Sec. 230.23(7) directs them to adopt courses of study to supplement minimum courses prescribed by State board. Express, could imply use of new media.

County superintendents: Sec. 230.33 directs them to recommend to county boards supplemental courses of study. Express, could imply specific.

ADVISING:

State superintendent: Sec. 233.12 directs him to publish lists of approved instructional material, expenditures for which by county boards would be considered legitimate. Express, general, could include specific. Sec. 231.13 authorizes him to call conferences of school personnel relating to education. Express, general, could be applied to specific. Sec. 229.17(27) directs him to publish and distribute material relating to system of education, including instructions. Express, general, could include particular.

County superintendents: Sec. 230.33(19) authorizes them to call similar conferences and conduct institutes. Express, general, could be applied to specific.

Members of instructional staff of schools: Sec. 231.09 requires them to attend meetings called by State or county superintendent, as above.

Florida educational television commission: Sec. 246.09 authorizing it to encourage further development of educational television, implies authority to advise, and Sec. 246.10 authorizes it to act as advisor to all educational television stations.

ORGANIZING:

Florida educational television commission: Sec. 246.08 authorizes it to establish a television network, as designated by the State board. Express.

State superintendent: Sec. 229.17 authorizes him to organize and to recommend to the State board standards for school services, courses of study, and instructional aids. Express, general, could apply to specific.

State board: Sec. 229.07, directing it to determine policies and adopt regulations, and Sec. 229.08 directing it to prescribe minimum standards and adopt long-time programs, are express, general, and could imply authority to organize units.

County boards: Sec. 230.03 directs them to exercise responsibility for organization of public schools. Express. Sec. 230.22 (general powers) directs them to perform duties necessary to improve school system. Express. Both could imply organizing local units.

CONFERRING OUTSIDE:

Florida educational television commission: Sec. 246.09 authorizing it to coordinate Florida's television system with system of other States implies conferring.

State board: Sec. 229.08 (general powers) directing it to cooperate with the Federal government in educational programs, subsec. 10, and to approve plans for cooperating with all appropriate agencies for improving conditions of schools, subsec. 11, implies conferring.

State superintendent: Sec. 229.15 designating him executive of the State board implies authority, delegated to him by that board, to confer.

SELECTING:

State board: Sec. 246.08 authorizing the Florida educational television commission to establish networks designated by the State board, implies selection by the board.

State superintendent: Sec. 233.12, directing him to consider reports of special committees appointed by him to evaluate instructional materials and aids as supplementary material, and to publish lists of approved instructional materials for which county boards may make expenditures, implies final selection of list by him.

County boards: Sec. 230.23(7) directing them to provide supplementary teaching accessories and aids, implies selection of new media, at least from list of State superintendent.

County superintendents: Sec. 230.33(9) directs them to make recommendations to county boards concerning plans to provide supplementary teaching accessories and aids needed, and implies tentative selection.

Courses of study committee: Sec. 233.03(5) directing it to make recommendations to State superintendent concerning instructional aids and materials which would be of assistance to teachers in carrying out courses of study, implies tentative selection.

ACQUIRING:

County boards: Sec. 230.23(7)(c) directs them to provide such other teaching accessories, in addition to textbooks, as may be needed to carry out courses of study adopted by them. Express.

FINANCING:

State superintendent: Sec. 236.08 directs him to determine and make allocations of foundation program funds (State) to counties. Could apply to payment for some services connected with new media.

County boards: Sec. 236.58 directs them to determine the amounts needed from district taxes, in addition to amount available from State funds and from county current school funds, in order to meet minimum program, and then to determine district tax levy to be voted on in subordinate district in the county. County boards expend the foundation program fund, (State), Sec. 236.13, the county current school fund (county), Sec. 236.24, 236.25, and the district current school funds (subordinate districts), Sec. 236.34.

REGULATING:

State board: Sec. 229.07 (general powers) directs it to adopt minimum standards for any phase of education considered necessary. Express, general, includes particular. Sec. 229.08 (duties) directs it to prescribe forms for reports and prescribe rules and regulations. Express, includes particular regulation and reporting.

State superintendent: Sec. 229.17 (duties) directs him to act as executive officer of State board, recommend to it forms and reports, and recommend regulations on courses of study and instructional aids, and other matters, and to carry out regulations adopted by State board. Express, could include particular.

County boards: Sec. 230.22 (general powers) directs them, after consideration of recommendations of county superintendents, to adopt rules and regulations. Express, could be used to regulate use of new media.

PRODUCING:

Florida educational television commission: Sec. 246.08, as amended, authorizes it to direct origination and transmission of programs over television network. Express.

CERTIFICATING TEACHERS:

State board: Sec. 231.11 directs it to prescribe minimum standards and curricula for education of personnel working in public schools, and authorizes it to approve institutions, for purpose of certification of administrative and instructional personnel for public schools. Express. Certificate is required for employment, Sec. 231.14.

State superintendent: Sec. 231.17 directs him to issue certificates to applicants meeting requirements and regulations of State board. Express.

PRESCRIBING QUALIFICATIONS:

State board: Sec. 231.11 - same as for certification, supra.

County boards: Sec. 231.04 authorizes them to prescribe qualifications in addition to those provided by law and by regulations of State board. Express.

ACCREDITING SCHOOLS:

State superintendent: Sec. 229.17(24) directs him to accredit schools on basis of standards and regulations prescribed by State board. Express, could apply to new media.

BUILDING SCHOOLS:

County boards: Sec. 235.26 prohibits them from tentatively approving plans for construction unless in conformity with minimum standards and regulations of State board with respect to "such other instructional rooms as are necessary to meet the needs of the educational program of the school", subsec. (15). Express, general, could include particular.

FEDERAL AID:

State board: Sec. 229.07(10) directs it, in its discretion, to approve plans for cooperating with the Federal government in educational programs, provide for proper administration of Federal funds allocated to the State, and make regulations concerning contracts with Federal agencies. Express. Sec. 229.082 authorizes it, in its discretion, to accept the provision of any act of Congress apportioning funds to the State for any phase of the State system of public education; directs it to prescribe necessary regulations for disbursement of such funds; and provides a procedure for payment of such funds upon requisition of the State superintendent and approval of State board. Express, general, could apply to particular.

LIBRARY PROGRAMS:

County boards: Sec. 233.29 authorizes them to establish and maintain, as essential to the educational program, adequate libraries and library services, and, subject to regulations of the State board, to establish and maintain mobile circulating libraries. Express, general, and is applied to new media.

RESEARCH PROGRAMS:

Florida educational television commission: Sec. 246.11 directs it to cooperate with local and state educational agencies in making surveys on use of educational television. Express, implying research.

State superintendent: Sec. 229.17(22) directs him to conduct in cooperation with county boards and other officials special studies or surveys to improve educational programs. Express, general, could include particular.

County boards: Sec. 230.23(3) directs them to authorize assembling data and making surveys to develop school program for counties. Express, general, could include particular.

INSTITUTES:

State superintendent: Sec. 229.17(26) directs him to call meetings of school officials and teachers to promote efficiency and usefulness of system and to impart information. Express, general, could include particular.

County superintendents: Sec. 230.33(19) directs them to hold institutes, organize and direct study and extension courses. Express, general, could apply to particular.

GEORGIA

Georgia School Laws, 1958; Georgia Code Annotated, Title 32, with 1961 Cumulative Pocket Part.

Authority, express or probably implied, to deal with audio-visual media of instruction, with respect to:

PLANNING:

State board: Sec. 32-408, directing it to provide rules for the supervision of all public schools, to provide a course of study and necessary curriculum changes, implies planning.

County boards: Article VIII, Sec. V, par. 1, of the Constitution, creating each county, exclusive of territory in independent districts, one school district "confined to the control and management of a County Board of Education" implies authority of such boards to plan as a necessary function of management.

Boards of independent districts: Article VIII, Sec. VII, par. 1, of the Constitution authorizes municipal corporations to maintain existing independent school systems, and support them as authorized by special (city charter) or general law. There is no separate body of laws relating to such independent school systems, each of which is governed by its own city charter and ordinances, in general, prescribing powers. But Sec. 32-953 of Georgia School Laws expressly authorizes city boards of education "to expend funds for the purchase of educational information, literature and services". This implies planning as a necessary function. Annotations indicate that powers of city boards are essentially the same as corresponding powers of county boards, but these will not be referred to here. Such independent school districts and their boards will be referred to only if the State legislation relate to them in express terms.

PREPARING CURRICULA:

State board: Sec. 32.408 directs it to provide regulations prescribing a course of study for all State supported common and high schools. Express, general, could include particular.

County boards and city boards: Sec. 32.408 authorizes the State board to approve additional courses of study set up by the local units of administrations, implying authority in these boards, subject to State board approval.

ADVISING:

State board: Sec. 32-408 (very brief description of powers) directs it to make rules and regulations necessary for operation of the schools, and provide courses of study. This could imply any authority necessary to advise on use of new media. Sec. 32-707 authorizes it to prescribe by regulations the textbooks to be used and multiple listings of books from which county and city superintendents may exercise a choice. This is the authority used for the supply and notice of availability of educational film, according to official information. Implied.

State superintendent: Sec. 32-506, directing him to counsel with school officers, is express and could imply authority to advise on use of new media.

County boards: Sec. 32-909, authorizing them to purchase supplies and "make all arrangements necessary to the efficient operation of the schools", would imply authority to advise.

County superintendent: Sec. 32-1009, directing him to visit schools and "advise with the teachers and otherwise aid and assist in the advancement of education", is express, general, and could include particular. Same section, directing that they constitute medium of communication between State superintendent and subordinate officials, implies channel and authority for advising.

ORGANIZING:

State board: Sec. 32-410 gives it "general supervision" of the department of education, and implies authority to organize special units in it.

County boards: Sec. 32-909, authorizing them to purchase supplies and make all arrangements necessary to the efficient operation of the schools, could imply authority to organize special units.

CONFERRING OUTSIDE:

State superintendent: Sec. 32-506, directing him to deliver popular lectures and do other acts in the interest of popular education, could imply authority to confer outside of school system on new media.

SELECTING:

State board: Sec. 32-707, authorizing it to prescribe the textbooks to be used in the schools and to provide multiple listings of them for choice by county and city superintendents, has been used by State board as implying authority to select educational films. Secondary selection by superintendents, as stated, also implied as to selection of films from lists. Sec. 32-709 directs the State board to appoint committees of educators to recommend books to State board, and, by implication, might be relied on as authority to recommend selection of films.

County boards: Sec. 32-909, authorizing them to purchase maps, globes, and school furniture, implies authority to select before purchase, and could provide free choice for items not prescribed by State board.

ACQUIRING:

State board: Sec. 32-710, directing it to inaugurate and administer a system of free textbooks for the schools, and Sec. 32-723 giving it power "to do whatever may be necessary for the general welfare of the free school book system", have evidently both been used as source of implied authority to provide with State funds educational films.

County boards: Sec. 32-909 authorizes them to purchase maps, globes and school furniture [express] and make all arrangements necessary to the efficient operation of the schools [express, general, which could include particular].

County superintendents: Sec. 32-1009 directs that they shall be the agents of the county boards in procuring such school furniture, apparatus, and education requisites as the boards may order. Express, general, could include particular.

FINANCING:

State board: Sec. 32-601 establishes the minimum foundation program, through State appropriations, following sections provide for certain end uses, and Sec. 32-612 directs the State board to determine, according to a formula, the amount of funds neeced by a local unit "to take care of current expenses" not otherwise provided. Sec. 32-624 directs it to determine (for purposes of appropriation) "the funds needed to provide the public schools of the State with free textbooks, teaching materials and aids..." This could provide some funds for new media.

Counties: Sec. 32-1127 delegates to them the power to levy and collect taxes for educational purposes, and directs that funds collected be appropriated to the use of the county boards and the education work directed by them. Express, general, could include particular.

Municipalities: Sec. 32-1111 authorizes those which operate independent school systems to maintain public or common schools by local taxation. Express, general, could include particular.

REGULATING:

State board: Sec. 32-408, directing it to provide rules and regulations for the supervision of all public schools, is express and could include authority to regulate use of new media, reporting and keeping statistics.

State superintendent: Sec. 32-515 gives him the "right" to require reports from county superintendents and presidents of independent school systems, and would imply authority to require reports and statistics on use of new media.

County boards: Sec. 32-901, confiding the control and management of county school districts to the county boards would imply authority to regulate locally.

CERTIFICATING TEACHERS:

State board: Sec. 32-605 directs it to provide, by regulation, for certifying and classifying the teachers in the public schools, and prohibits the employment of teachers, principals, supervisors, and local (not county) superintendents who do not hold a certificate of the State board. Express.

PRESCRIBING QUALIFICATIONS:

State board: same as certificating teachers. The State board classifies according to professional training and experience.

FEDERAL AID:

State board: Sec. 32-413 authorizes it to accept on behalf of the State any appropriation by Congress or under any governmental regulation"for either vocational or other educational purposes... in connection with, or as an incident of, any program of vocational education..." and to match funds. Sec. 32-419 authorizes it to receive any Federal funds made available to it "for schoolhouse construction or improvement of the schools under its jurisdiction..." (emphasis added in both). Both sections seem to be related primarily to other purposes, but the general language underscored might imply authority to accept Federal aid for new media. Sec. 32-626.1 provides:

"Any funds necessary for matching Federal funds for any project approved by the State Board of Education shall be made available by said Board from any available funds", but is immediately followed by several sections, each dealing with special projects not related to new media.

INSTITUTES:

County superintendents: Sec. 32-1009 directs them, together with the State supervisors, to superintend the county normals and institutes for the teachers of the county, but only implies authority to hold such institutes.

HAWAII

Session Laws, 1961; 1960 Supplement to Revised Laws; Revised Laws, 1955.

Authority, express or probably implied, to deal with audio-visual media of instruction, with respect to:

PLANNING:

State board: All power is merged at the top level, where organizations and officials complement each other in the actual operation of the entire school system from one central point. Sec. 37-2 R.L., as amended, creates the department of education, "which shall be headed by an executive board known as the board of education", and which "shall have power...to formulate policy and exercise control over the public school system through its executive officer, the superintendent of public instruction". But Sec. 40-2 R.L. provides that the department of education "shall have entire charge and control and be responsible for the conduct of all affairs pertaining to instruction" and "shall regulate the courses of study to be pursued in all grades..." And Sec. 37-6 R.L. provides that "under policies established by the board the superintendent shall administer programs of education and public instruction throughout the State..." All of these provisions imply authority and the necessity to plan, but, as in the case of other functions, the respective areas of activity of the board, the department, and the superintendent are not clearly defined or separable. This applies, in varying degree, to each of the functions listed below.

PREPARING CURRICULA:

Department: Sec. 40-2 R.L. directs it to "regulate the courses of study". Express, implies particular.

ADVISING:

Department: Sec. 37-13 R.L. authorizes it to publish pamphlets, outlines of courses, and similar material, and implies authority to advise in this way. Sec. 40-2 R.L., directing it to exercise "entire charge and control and be responsible for the conduct of all affairs pertaining to instruction" clearly implies exclusive authority to advise, subject to policy control by the State board.

ORGANIZING:

Department: Sec. 40-2 R.L., directing it to be responsible for conduct of all affairs pertaining to instruction, implies authority to organize special units.

CONFERRING OUTSIDE:

State superintendent: Sec. 37-2 R.L., as amended 1961, directing the State board to exercise control over the public school system through him, as executive officer, would imply his authority to confer outside of the school system.

SELECTING:

Combined: State board (Sec. 37-2 R.L. as amended: power to exercise control), State superintendent (Sec. 37-6 R.L.: directive to administer programs of education), and State department of education

(Sec. 40-2 R.L.: directive to be responsible for conduct of all affairs pertaining to instruction), probably combine in their respecitive roles, to make policy, to lead, and to operate, under implied authority to select new media.

ACQUIRING:

Nowhere shown, but probably the department, under authority of Sec. 40-2 R.L. (entire charge and control of all affairs pertaining to instruction), has implied authority to acquire at State level and distribute to schools.

FINANCING:

State: By reason of central operational control it appears that most of the cost of providing new media would be met by the State, required by Article IX of the Constitution to provide support for the public schools. But Sec. 39-2 R.L. relating to budgets requires the department of education to submit to the board of supervisors of counties an estimate of local school requirements, which suggests some local participation in financing. Nothing definite on subject.

REGULATING:

Department: Sec. 37-7 R.L. authorizes it to issue rules and regulations for the government of teachers and pupils and for carrying out the general scheme of education. This, as well as its broad general authority under Sec. 40-2 R.L., (see planning, supra), would easily imply authority to regulate use of new media and require reports and statistics concerning them.

CERTIFICATING TEACHERS:

Department: Nothing definite, but Sec. 40-2 R.L. (control of instruction, supra) and Sec. 37-7 R.L. (regulating power, supra), could imply authority to require certificates of some kind and to require special training in new media to get them.

PRESCRIBING QUALIFICATIONS:

Same as certificating teachers.

FEDERAL AID:

State board: Sec. 37-16 R.L. designates it as administrator of Federal funds received for educational purposes.

Department: Sec. 37-18 R.L. authorizes it, the director of finance, and the governor to "take such steps and perform such acts as may be necessary or proper in order to secure federal funds for authorized educational purposes".

INSTITUTES:

Department: Sec. 37-15 R.L. authorizes it to establish and maintain teachers' conventions or institutes, or to authorize establishment of them by teachers. Express, general, could include particular.

OTHER PROCEDURES:

Audio-Visual Center: Draft #1, dated 11/16/61, of Department of Education Regulation 6144.1 relates to establishment of an audio-visual center for circulating educational motion pictures and other instructional materials among public schools and certain other organizations. It is not known whether the draft has become final or whether the center has been established.

Chapter VI

CONCLUSION

In this chapter there are some observations concerning the significance of audio-visual media of instruction in the educational process, observations concerning the general interpretation of school laws, a recapitulation of specific legislation dealing with these media, and some final observations.

Audio-Visual Media in Education

The first observation which should be recorded is that there is abundant evidence to indicate that the use of audio-visual instructional aids is completely integrated in the general instructional process of the public schools. More specifically, such media are regarded as supplemental teaching aids, are used as expediency requires, and are not treated as unique items of equipment requiring separate consideration. This, of course, is generally acknowledged, even by the most earnest advocates of the increased use of these instructional tools. But it cannot be over-emphasized, because it colors the interpretation of a great mass of school laws.

Even in those States which have legislation dealing specifically with some or all types of these media, the legal authority for the whole range of activities in the instruction of pupils, procurement of supplies, preparation of budgets, and a host of others, must be applied to these media in the same way as it is applied to others, unless there are specific legislative or regulatory provisions indicating otherwise. Naturally all of those general laws and general powers provide the source of authority for dealing with audio-visual media in those States which have no specific legislation on the subject.

General Interpretation of School Laws

State legislatures have a mandate to provide all laws necessary for the effective operation of a public school system. In the different States they have responded to this mandate in different ways. All of them have provided laws for the organizational structure of the school system, for the division of authority and duties and for the interaction among organizations and officials within the system, for financing the schools, and for all operational and other activities in a huge, continuing project extending throughout the varieties of geographical and social areas of the State.

The respective legislatures know the basic problem and the local requirements to be met in solving it. The body of school laws which they enact, therefore, must be taken as the measure of what these legislatures consider necessary for operating the schools and effective in achieving the objective of the operation.

Views on what is necessary and what is effective differ, of course, among legislatures as among individuals, and may depend to some extent upon local geographic and social conditions and upon the economic capabilities and development of the State. Some differences of views are reflected in legislation enacted in some States on certain subjects, of more or less marginal relevance to basic educational programs. In other States there may be no legislation on one or more of those subjects.

Leaving aside such marginal subjects, however, there is in all States a hard core of legislation intended to provide the organizational machinery and the distribution of power within it, necessary to operate an effective educational program. In different ways provision is made for organizations and officials to use their discretion in supplying details, not specifically covered by the legislature, to make the machinery work and to make the program effective.

Whatever the machinery and powers expressly granted, and however much the legislature has left to be filled in by others in the exercise of discretionary powers, however, it must be assumed that the legislature has intended to provide enough legislation to make the system work effectively.

Acting on this reasonable assumption, the assortment of powers granted in each State has been examined to determine what authority has been granted expressly, or might reasonably be implied from general grants, to deal with audio-visual media of instruction. The results of the inquiry are set forth, as previously described, in the separate reports for the States and in Chapter V, ante.

Large blocks of legal authority to carry on different activities relating to these media have been recorded under the categorical headings. Where express authority has been lacking, and it has not been possible to find a reasonable basis for authority reasonably implied from other powers, no entry has been made.

Thus, in Chapter V and in the reports for States, there are no citations for some States with respect to one or more of such activities as organizing special units for the use of these media, conferring outside of the school organization on the use of them, distributing such equipment among the schools, producing different types of such equipment, prescribing qualifications of using personnel, and accrediting schools with reference to a minimum supply of such equipment.

It cannot be definitely concluded from lack of citations for any such activity that no authority for it exists. State educational officials may conduct the activity indicated, by reason of local interpretation of a statute which is not entirely clear in a purely legal analysis such as this, which is out of the local context. A more precise conclusion on this subject can be reached by examining the answers in the questionnaires and interviews of SAVES which will indicate whether or not such an activity is conducted.

Another possibility, of course, is that the State legislature has not considered it necessary, acting independently or on recommendation of the State board or the chief State school officer, to supply additional authority for such activities. The ground for such a decision would be either that it has considered authority already granted adequate for such activities, or that it has not considered the activities necessary for the effective operation of the school system.

In any case, lack of citations for some States, with respect to one or more functional activities discussed in Chapter V of this Report and in the separate reports on the States, should not be taken as conclusive evidence that no such authority exists or is exercised. At the same time, blank spots in the lists of citations may be useful caveats.

There is, of course, the possibility that authority for some activity is actually lacking or that there is real uncertainty concerning it. In that case, the lack of citations would serve the useful purpose of calling attention to this fact, for such action as the State legislature might determine. The lack of citations could also suggest particular activities to which legislatures might give attention for the purpose of encouraging educational officials in a wider use of new educational media.

Specific Legislation on Audio-Visual Media

In the following pages there is a brief recapitulation of Chapter III of this Report dealing with legislation and regulations relating specifically to audio-visual media of instruction. The chapter itself should be consulted for details, but the recapitulation will give quickly a general picture of different types of legislation on the subject.

In some States there is no such legislation. In some, the provisions relate only to types of equipment grouped here, for convenience, under a class called "basic". This consists of charts, exhibits, flat pictures, maps and globes, models, and posters.

These items were included in the definition of audio-visual materials in the contract, and have therefore been considered throughout this study. Yet, whatever their modern representatives may be, they are types of equipment which for many decades have been in common use in schoolrooms. Legislation concerning them, therefore, has practically no significance as an index of trends toward the adoption of the modern, more sophisticated media of instruction.

States having only legislation on such basic types of equipment are in about the same position as States with no legislation at all. Authority to deal with these items alone would give only frail support to an implication of authority to deal with films and television. In such States, therefore, implied authority to deal with more sophisticated types of equipment must rest on a grant of powers to deal with "school supplies", "teaching equipment", "instructional material", or the catch-all "other necessary supplies" or similar expressions which always accompany reference to maps, globes, and so forth. The same general expressions provide the basis for implied authority to deal with audio-visual aids in those States having no specific legislation at all.

Three other classes have been adopted here for convenient description of different types of audio-visual equipment. One is "films", which includes the related items listed in the contract as filmstrips and slides, as well as motion picture films and similar items. Another is "audio-visual" which includes tape and other sound recordings of various types and which is itself used as a generic term in some legislation, thus suggesting such a class here. The last class is "television" which includes various kinds of legislation on that subject, as well as the few references made in statutes to radio.

Some of the specific legislation on these subjects might, perhaps, have been dispensed with, but may have been enacted to remove any lingering doubts concerning authority or to offer encouragement for wider use of new media. Some of the legislation provides special incentives to school organizations by providing for matching funds in support of teaching programs with new media. Some provides for creation of special centers or special services to make new teaching aids more widely available. And some provides for special organizations to accomplish these purposes. In a few cases legislation states specifically that television is an acceptable teaching tool.

Many of these objectives might be achieved by appropriate administrative action at the top level of the educational structure or at the lower operating levels, as has been done in a number of States without such special legislation. It is desirable, however, for a number of purposes to have a clear record of legislative intent in a statute authorizing particular activities. This is preferable to other evidence of that intent found in State appropriations to support certain activities for which no specific authority is found in the statutes.

In the following twelve States the legislatures have decided that it was not necessary, or at least have taken no action, to provide any legislation dealing specifically with audio-visual media of instruction:

Alaska
Colorado
Idaho
Kentucky
Maine
Michigan
Minnesota
Nebraska
Nevada
New Mexico
Texas
Wyoming

There is evidence, nevertheless, with respect to most of them, that audio-visual media are used in the schools.

In the following nine States, the legislatures have provided brief legislation concerning only some form of simple, basic types of these media:

Arizona (authorized local procurement of "teaching aids")

Delaware (authorized requisition by State-administered districts, and local procurement by other districts, of maps, globes and charts, materials of instruction, educational equipment, apparatus and other supplies; required State library to have maps and charts)

Georgia (authorized local procurement of maps and globes; authorized State board recommendations for appropriations for "teaching materials and aids")

Iowa (authorized local procurement of maps, charts and "apparatus")

Kansas (authorized State board approval of maps and educational material other than textbooks; authorized local procurement of maps, charts, teaching equipment and "other instructional material")

Missouri (authorized local procurement of globes, maps, charts, apparatus)

Washington (authorized local procurement of maps, charts and other apparatus)

West Virginia (authorized local procurement of apparatus, pictures and maps - annotated decisions extend authority to charts)

Wisconsin (directed State superintendent to collect in his office apparatus, maps and charts without cost to State)

In the following four States, the legislatures have provided legislation relating only to "audio-visual" but none with respect to particular types:

Hawaii (made appropriations for "audio-visual center" at University of Hawaii, and for "audio-visual education" in public schools)

Maryland (authorized procurement of "visual and auditory aids" by State superintendent for those schools under supervision of State board, and by county boards for schools under their supervision)

Mississippi (established office of "Supervisor of Audio-Visual Education" in department of education)

Utah (directed State superintendent to prepare "visual education aids" and incorporate them in courses of study)

In the following two States, the legislatures have provided legislation dealing with simple, basic types of these media, as well as the class audio-visual, but nothing else:

New Jersey (authorized local procurement of maps, charts, and globes; authorized School Library Service in State Library to handle prints, maps, and related library materials; provided elaborate and fine procedure authorizing voluntary establishment of County Educational Audio-Visual Aids Centers by local boards, and combined local and State support of them)

South Dakota (required State Free Library Commission to prepare suitable material, including pictures; directed county superintendent to procure "audio-visual equipment and supplies" for county library, made available to all schools; required school boards of independent districts to spend minimum amount for "audio-visual equipment")

In the seven States listed below, the legislatures have provided legislation relating only to educational television and to no other form of audio-visual media.

Alabama (created Alabama Educational Television Commission, directed it to control channels, regulate location, operation and programs of stations, and authorized it to own and operate stations, contract with others to operate, and accept gifts and grants)

Arkansas (created Arkansas Educational Television Commission, modeled exactly on Alabama legislation with minor differences in membership but same powers and duties as shown above)

Florida (created Florida Educational Television Commission under control of State board of education, authorized it to establish network designated by State board, to encourage activation of reserved channels and extension of television network, and to act as advisor and consultant to educational television stations whether supported by State, local, or private funds)

Illinois (authorized all school boards to contract for receipt of educational television programs; authorized boards in cities of over 500,000 inhabitants to provide a television studio in one school building only and grant use of it to television station established in district; authorized each such board to maintain and operate one radio station for educational programs, but prohibited it from constructing, acquiring, maintaining, or operating a television station)

Louisiana (created the Louisiana Educational Television Commission composed of large representative membership, authorized it to aid communities to establish television stations, to promote use of educational television in State, to study needs, recommend policies, serve as advisor on television, and accept gifts and grants; authorized State board of education, Louisiana State University board, and State department of education, acting through State superintendent, to build, rent or take necessary steps for establishment and maintenance of television facilities; authorized State superintendent to contract for television programs and to accept grants from foundations, groups and individuals if not restricted by conditions)

4

Commission

Oregon (authorized use of television and radio for direct teaching, enrichment, and in-service programs for teachers; authorized State board to approve such programs provided by State-operated stations; authorized State department to use personnel, facilities and funds to encourage use of television, to plan programs, assist local districts to plan, contract for professional services, acquire material for use in programs; declared State board of higher education managing agency of radio stations KOAC and KTEC and of television facilities licensed to it; directed it to make programs available for educational purposes for fee; authorized it and any Oregon non-profit corporation organized for the purpose to apply to FCC for educational television license)

Rhode Island(in clear legislation, authorized the State board to control all channels allocated to State, establish and operate stations, produce programs and contract for receiving and exchanging them, to charge fees for television services rendered, to receive appropriations from the State, gifts from private sources and grants from the Federal government for educational television, and to do all things necessary to accomplish purpose of the program; created a large and representative advisory commission to advise the State board on educational television; and directed itself, the general assembly, to make annual appropriations to support the program adequately)

In the remaining sixteen States listed below, the legislatures have provided legislation relating to two or more of the following types of audio-visual aids: basic (i.e. maps, globes, charts, exhibits and so on), films (any type such as film strips, slides, educational films), radio or television, or audio-visual in general.

California (basic: department of education authorized to buy maps, engravings, paintings for State library; also maps, charts, pictures, engravings, statues, apparatus and works of art are included in library service; films: local procurement of educational films without bids is authorized; audio-visual: State superintendent authorized to develop audial and visual curriculum materials and methods to use them; extensive and fine program for voluntary contract between county superintendents and local boards under which he buys equipment and provides it and services to districts and costs are shared by State and local districts; television: authority for same voluntary contractual arrangement between county superintendent and local boards to obtain television broadcasts or establish television stations; also authority for local boards to do so independently, or with other boards and to sell services; Television Advisory Committee and Office of Television Co-ordinator established; State superintendent authorized to conduct experimental work in "radio and vision")

3

Connecticut (basic, films, and audio: authority to certain agencies, including by interpretation school districts, to contract for procurement of "recordings, films and related library materials")

3

Indiana (basic: authority of superintendents or committees in large cities to select charts, maps, and apparatus for approval of city board; audio-visual: authorizes use of "apparatus, other articles, and educational appliances" in schools; division established in department of education to initiate and superintend instructional materials centers; television: authorizes any school corporation to give instruction by television.

3

Massachusetts (basic: commissioner of education directed to collect apparatus, maps, charts in his office; local committees, i.e. boards, directed to procure apparatus, other means of illustration; audio-visual: office of audio-visual services created in department and administers privately organized film cooperatives voluntarily subscribed to by school districts; television: Executive Committee for Educational Television established authorized to administer educational television program fund)

3

Montana (basic, film and audio-visual: library of visual teaching aids established and authorized to acquire in various ways sound films, slides, charts, graphs, models, pictures, dioramas, and other visual aids and to rent them to schools)

3

New Hampshire (basic: authorizes local boards to procure maps, charts, apparatus and conveniences; requires "standard schools" to be equipped with maps and other necessary appliances; audio-visual: requires State commission to plan acquisition of "audio-visual materials and equipment" for schools under NDEA program; television: appropriated funds toward partial support of Station WENH-TV and the New Hampshire Educational Broadcasting Council, Inc., and other funds for operation of station for school districts but on matching fund basis for them)

New York (basic: authority to procure works of art, maps, globes, or other school apparatus granted to local boards; commissioner of education authorized to furnish to schools pictorial and graphic representations as instructional supplements; basic, film, audio-visual: Board of Regents authorized to acquire in various ways pictures, statuary, lantern slides; apparatus, maps, globes, films, sound films, kinescopes, photographic recordings and other articles useful in school system; television: authorized Board of Regents to acquire in various ways materials for use in television, viz. sound films, kinescopes, audio recordings, video recordings, scripts, research reports for production of television programs; authorized Board of Regents to lease to school districts and boards of cooperative educational services all types of television facilities, equipment and appliances; authorized Board of Regents to grant charters of incorporation to certain organizations for educational television and control their operation; authorized Board of Regents to provide State funds on matching basis for establishment of television stations by school districts and boards of cooperative educational services, which are specifically authorized to establish and operate them, and authorized commissioner of education to control allocation of funds on priority of merit basis) 4

North Carolina (basic: authorized State board to supply schools with supplementary textbooks and "instructional materials"; television: appropriated to State board funds for teaching by television, directed it to adopt courses, and allocate to local boards funds for paying for television and related services obtained. 2

North Dakota (basic: directed State superintendent to preserve in his office maps and charts; television: authorized State superintendent to contract with non profit organization to furnish television programs for schools and others)

Ohio (basic, films, audio-visual: authorized boards of library trustees to procure supplies, equipment, books, records, films and other library materials; television: created Ohio Educational Television Network Commission and authorized it to own and operate television stations, determine programs to be broadcast, and contract with others for broadcast of educational programs; authorized local boards to contract for receipt of television broadcasts and to supervise programs for schools) 4

Oklahoma (audio-visual: directed State board to administer "program of audio-visual education"; films: authorized State board to select appropriate films, establish and maintain State depository of films, designate special films for circulation among schools, establish regional film libraries; authorized school districts, with limited matching State funds, to establish local film library, and to procure projectors; authorized county superintendents to procure, with State funds allocated, projectors and films and to take them on circuit for use in schools; television: 3

established Oklahoma Educational Television Authority, with large advisory board, to control channels, establish and operate television stations, contract, and issue bonds - very elaborate legislation)

Pennsylvania (basic, film, audio-visual: authorized local boards to purchase, without certain money restrictions, maps, music, globes, charts, educational films, filmstrips, transparencies and slides, magnetic tape recordings, and disc recordings; directed State department to purchase maps, slides, films and library materials for public and other circulation; audio-visual: authorized county boards, or if they fail to act then local school boards, to establish alone or jointly with others audio-visual libraries and instructional centers; television: directed State council, i.e. board, to plan for broadcasting facilities and establish service areas; authorized State department to contract with producers or users for educational television, to establish pilot project and buy necessary facilities and equipment, to make special grants to school districts for procurement of programs; authorized school districts and certain other organizations to contract for joint operation and broadcasting and for receiving)

4

South Carolina (films and audio-visual: directed State Schoolbook Commission to provide audio-visual equipment, including films and projectors, for use of schools on rental or library purchase plan)

2

Tennessee (films: urged the State department to supply for use of high schools certain film against Communism; television: created Tennessee Educational Television Commission and directed it to have research and experiments conducted in educational television and for that purpose to grant matching funds to any agency solely in field of educational television and holding a license from FCC; authorized it to intervene in allocation or reassignment of channels allocated to State - i.e. exercise discretionary control of channels; appropriated funds to be used in the matching funds programs; and authorized service contracts with and support of television station approved by the Commission (1) by State controlled colleges and universities, subject to certain conditions, and (2) by the board of education of any city, county, or special school district, subject to availability of funds)

2

Vermont (films and audio-visual: directed State board to allocate for each biennium $5,000 to provide to schools visual educational films and instructional help in use of visual educational material, BUT in recent years no State appropriation has been made for this purpose; television: appropriated in 1961 sum of $2,000 and any unexpended balance to continue the commission on educational television for next two years - essentially a study commission)

3

3

Virginia (basic and films: directed the State board to select textbooks and educational appliances, including films, for use in schools; television: established the Advisory Council on Educational Television in 1962, and directed it to conduct studies on need for new facilities for State-wide coverage, to make plans for construction of facilities and publish them, to establish priorities of needs, to hold hearings on construction applications, to contribute a maximum of 1/3 toward construction - but not operation - costs, and to accept on behalf of State grants, gifts and contributions from any source to carry out program; established the Education Television Facility Construction Fund for monies received for any approved project; and directed State board of education to cooperate with television council)

No legislation was found in any State dealing with teaching machines or with closed-circuit television.

In ten States there are regulations dealing specifically with one or more types of audio-visual media. They were issued in the exercise of power granted by the legislature, and have the force of law.

California (basic, films, television, and audio-visual: restricted purchases by county superintendents of "materials" and films and filmstrips to those "adopted" by county boards, and restricted purchases of projection equipment by them to that for use by staff to provide "audio-visual services", or for loan to schools, or for certain educational services; prohibited use of construction money obtained from State School Building Aid Fund for purchase of broadcasting systems, television, recorders, public address systems, radios, record players, tape recorders, and cycloramas)

ac

Kansas (basic, film, and audio-visual: required, for meeting accreditation standards, that school boards provide maps, charts, teaching equipment, and "other instructional materials"; required, for same standards, that elementary school libraries contain pictures, filmstrips, recordings, and "audio-visual equipment" and that "audio-visual equipment" be freely circulated; required, for same standards, that junior high school libraries contain "such other learning aids as recordings and visual materials" and that all high school libraries contain "audio-visual materials".

Minnesota (basic, films, and audio-visual: required, as one of minimum standards for school libraries, that they contain "films, recordings, models...film strips, flat pictures, globes, and similar material" and that they provide space for "viewing, listening and conference purposes"; required, as one prerequisite for appointment to position of Director of Audio-Visual Education, at least ten semester hours in audio-visual courses, including specific types listed, and, for appointment to position of Coordinator of Audio-Visual Education, at least one course in audio-visual methods in teaching and in audio-visual administration; required, as one minimum standard for new construction, that new buildings "provide for visual and auditory comfort and efficiency")

North Dakota (basic: required as minimum standard for schools a globe of certain size for grades 3-8, certain maps and charts to supplement particular studies in high schools, and maps in all schools for all courses in geography and history)

Oklahoma (basic, film, audio-visual, and television: required, among minimum standards of instructional material to be met in all schools, "audio-visual equipment and materials", as needed, including motion picture, films, filmstrips, slides, recorder, radio, record player, charts, maps, globes, chalkboard, flat pictures, objects, models, excursions, and field trips; recommended ratio, according to number of students or type of building, for supply of 16 mm sound projectors, filmstrips and small projectors, opaque projectors, record players, tape recorders, radio receivers, TV receivers, overhead projectors, and screens; required certain lighting arrangement and electrical outlets in rooms used for projection equipment)

South Carolina (film and audio-visual: specified, in "standard list" of equipment to be purchased by school districts, black-out drapes, 16 mm projectors, filmstrip projectors, record players, tape recorders, and projection screens; specified, in "additional lists", a great many items, too numerous to repeat here, but including various types of films, slides, projectors, accompanying equipment, as well as TV receivers and TV closed circuit equipment)

South Dakota (audio-visual: required that school libraries be organized as a resource center for instructional material, that they contain audio-visual materials, and that a minimum amount be spent each year for the purchase of such materials)

Tennessee (basic, film, and audio-visual: required, as minimum standard equipment available for use in each classroom of high schools, such equipment as projector, films, slides, recordings, basic maps, charts, pictures, record player, exhibit materials, and required that libraries in such schools have facilities to care for "filmstrips, recordings, and so forth"; required for schools with grades 1-8 or 1-10 materials collections including a suitable globe, basic maps, bulletin boards, exhibit materials, and pictures, and the use of additional materials in the county materials center; required also in such schools that a teacher-librarian or materials coordinator select and organize materials)

Virginia (basic, films, and audio-visual: authorized the expenditure of State library funds, on a matching basis, for phonographs, radio-phonographs, and recordings for audio-visual programs, for audio-visual equipment and teaching supplies selected by State department, including motion picture projectors, still picture projectors, screens, sound and silent films, globes, maps, and charts, and, apparently without matching, for two sizes of auditorium screens, as well as 2x2 inch clides, filmstrips, on library list of State department; and, in effect, suggested use of material by listing some 2,400 titles of State-owned films available in depository centers at State, regional, school district, and local school levels)

Washington (audio-visual, television: required use of local funds in purchase of "visual aid equipment", intercommunication and public address equipment, stage equipment of different kinds, picture screens, projection curtains; gave incentive by providing extra credit in accreditation for those schools providing special services in audio-visual and television media)

Appraisal of Legislation and Regulation on Use of Audio-Visual Media

No comparative analysis of all of the legislative and regulatory provisions referred to above can be given here. Time does not permit this, and evidently the contract did not contemplate an appraisal of the relative merits and importance of the different types of specific legislation on this subject.

In the light of insights gained in this study, however, the following personal opinions can be expressed on the legal significance of such provisions in their local context with other school laws. Laws authorizing the procurement and use of particular types of media are useful in removing any doubt as to authority, and may have some value as encouragement, but otherwise have only minor significance. Laws directing the use of particular types of media are more significant, but their significance is immediately relative to the amount of State aid provided to assist in compliance with the directives. This may vary from time to time.

A more useful type of legislation is that providing for a program, machinery to implement it, and a formula for matching funds which can be counted upon in long-range planning. Several good examples of this type appear in this and other chapters and in the separate reports on the States.

Different types of legislation seem more appropriate for some States than for others, depending in part upon the general character of their school laws, in part upon the location of preponderant power within the structure of their school system, and in part upon the type of organization used in the system. It is possible to draw reasonable conclusions on all of these subjects, largely from the information which has been recorded in this study.

[illegible]

Recapitulation of Authority to Establish and Operate Television Stations

There follows a summary of findings and legal opinions on this subject found in Chapter IV, ante. No reference will be made to the legal authority of private organizations, which is governed by class legislation in the States and by the terms of the charters of the respective organizations. Neither will reference be made to authority of organizations outside of the public school system, except television commissions. No conclusions are stated with respect to authority of an organization to operate, under a contract, a station licensed to another organization.

Alabama: 15 channels; 3 licensed to Alabama Educational Television Commission; express and exclusive authority in it and in no other organization.

Alaska: 4 channels; none licensed; perhaps implied authority in State board, or in boards of some independent school districts. Legislation desirable.

Arizona: 2 channels; 2 licensed to State universities; none left; State board might have implied authority if other channels were available.

Arkansas: 3 channels; none licensed; express and exclusive authority in Arkansas Educational Television Commission and in no other organization.

California: 9 channels; 2 licensed, 1 to a junior college, and 1 to a private corporation; express authority in boards of school districts or county superintendents, jointly or independently.

Colorado: 4 channels, 1 licensed to local school board; authority clearly implied for boards of large school districts; questionable implied authority for State board.

Connecticut: 3 channels, none licensed; perhaps implied authority for large local school boards if supported by necessary popular vote; very questionable implied authority for State board.

Delaware: 3 channels, none licensed; probably implied authority for board of special school district; perhaps implied authority for State board, especially to provide service for schools operated by it.

Florida: 9 channels, 5 licensed, 2 to provate corporations, 2 to State universities, 1 to local school board; implied authority for local school boards; probably implied authority for State board to direct Florida Educational Television Commission or department of education (both under its control) to establish and/or operate.

Georgia: 5 channels, 3 licensed, 1 to local school board and 2 to State board of education; implied authority for both.

Hawaii: 4 channels, none licensed; implied authority for State board.

Idaho: 2 channels, none licensed; implied authority for State board.

Illinois: 7 channels, 3 licensed, 2 to State universities, 1 to private association; no authority for any official or organization in public school system.

Indiana: 9 channels, none licensed; evidently no authority for State board or local boards.

Iowa: 6 channels, 1 licensed to local school district; implied authority for local board, but probably following popular vote; perhaps implied authority for State board.

Kansas: 4 channels, none licensed; perhaps implied authority for boards in large cities but it would probably require popular vote and other approval. Questionable. No other authority.

Kentucky: 2 channels, 1 licensed to public library (implied authority); probably implied authority for State board and perhaps implied authority for board of large city independent school districts. (Report from State indicates question of legislation on television now under study.)

Louisiana: 4 channels, 2 licensed, 1 to a foundation, and 1 to State department of education; express authority to State board of education, department of education, and board of Louisiana State University, acting through State superintendent of education. Evidently no authority elsewhere.

Maine: 5 channels, 1 licensed to a three-college telecasting corporation; questionable implied authority for State board and for large local boards, but not clear.

Maryland: 1 channel, not licensed; perhaps implied authority for State board, board of Baltimore city, or county school boards, but with only 1 channel and no legislation it would be close question, probably favoring State board.

Massachusetts: 3 channels, 1 licensed to a foundation; clearly implied, but not expressed, for Executive Committee for Educational Television, under control of State board; very unlikely that implied authority could be found for any other organization.

Michigan: 13 channels, 2 licensed, 1 to a foundation, and 1 to Michigan State University; authority implied for boards of first or second class districts, not for others.

Minnesota: 3 channels, 1 licensed to a private corporation; probably implied authority for State board, questionable for large local boards which would have to get permit from State board for any construction by express statutory provision.

Mississippi: 5 channels, none licensed; authority implied for State board and, under its direction, perhaps for the department of education, but not for local boards.

Missouri: 4 channels, 2 licensed, 1 to St. Louis Educational Television Commission, evidently non-official, and 1 to Kansas City School District; clearly implied authority for large school districts, with popular vote if necessary, not reasonable for smaller districts and questionable without legislation for State board or department of education.

Montana: 6 channels, none licensed; no express or reasonably implied authority for any school organizations or officials.

Nebraska: 2 channels, 1 licensed to board of University of Nebraska; questionable implied authority for State board, but none for any others.

Nevada: 2 channels, none licensed; probably not even implied authority for any school organizations or officials at State or local level.

New Hampshire: 2 channels, 1 licensed to the University of New Hampshire; implied authority for State board, but probably not for any local board because of division of powers with voters and municipal officials.

New Jersey: 6 channels, none licensed; probably authority implied for department of education but questionable for State board; clearly implied authority for "Chapter 6" or"Chapter 7" city boards, none for smaller districts.

New Mexico: 6 channels, 1 licensed jointly to Albuquerque school board and regents of University of New Mexico; questionable implied authority for State board; authority implied for all school boards, subject to financial resources.

New York: 10 channels, 1 licensed to a private association; express authority for board of regents, school districts, boards of cooperative educational services (in school system), and corporations chartered by board of regents for this specific purpose.

North Carolina: 8 channels, 1 licensed to University of North Carolina; evidently no authority for any organizations or officials at State or local level.

North Dakota: 6 channels, none licensed; express authority for non-profit organizations; very questionable implied authority for local school boards; none for others.

Ohio: 9 channels, 4 licensed, 2 to different foundations, 1 each to two universities; express authority for Ohio Educational Television Network Commission; none for any school organizations or officials.

Oklahoma: 7 channels, 3 licensed, 2 to Oklahoma Educational Television Authority (a State agency), and 1 to a local city school board; express authority for Oklahoma Educational Television Authority; clearly implied authority for independent school districts and perhaps implied authority for lesser districts if financially able, but in both cases subject to control by "Authority"; no authority for organizations at State level.

Oregon: 3 channels, 2 licensed to "State of Oregon, State Board of Higher Education"; express authority for this board and for non-profit corporations created in Oregon for this purpose; none for State board of education, department of education, or local school boards.

Pennsylvania: 5 channels, 3 licensed, 1 to a private corporation, 2 to Metropolitan Pittsburgh Educational Television Station, which is probably incorporated; express authority for department of public instruction; express authority for school districts to operate but not establish, and only in joint operation with other school districts, county boards, other organizations and non-profit corporations; evidently no authority for any school organization except department of public instruction to establish, and no authority for State board (council) to establish or operate.

Rhode Island: 1 channel, none licensed; express and exclusive authority for State board, none for any other organization.

South Carolina: 4 channels, none licensed; no authority reasonably implied for any school organizations or officials.

South Dakota: 4 channels, 1 licensed to State university; questionable implied authority for State board; implied authority for independent school districts, but not for others.

Tennessee: 8 channels, 1 licensed to a foundation; express authority to non-profit organization under discretionary control of Tennessee Educational Television; no authority to any school organizations or officials.

Texas: 18 channels, 3 licensed, 1 to a foundation, 1 to a "council" evidently private, 1 to board of University of Houston, 1 to independent school district; no authority for any school organizations at State level; implied authority for school districts with adequate financial resources, but probably subject to approval of Texas Central Education Agency, which, however, has no authority itself to establish and operate.

Utah: 5 channels, 3 licensed, 2 to different State universities (1 not yet operating), and 1 to local school district; no authority for State board or department of education; implied authority for any school district with adequate financial resources.

Vermont: 1 channel, not licensed; no authority for State board or department of education; very questionable implied authority for local school boards and only if accompanied by popular vote and action by municipal authorities; most likely choice for 1 station would be University of Vermont, or perhaps non-profit organization, in absence of legislation.

Virginia: 5 channels, 1 licensed to private educational association; no implied authority for State board, department of education, or any local school district; express authority for non-profit corporation, but effective control could and would be exercised by Virginia Advisory Council on Educational Television in application and later operation.

Washington: 10 channels, 3 licensed, 1 to University of Washington, and 1 each to two school districts; no implied authority for State board, State superintendent, or his "Office", i.e. department of education; clearly implied authority for large school districts but probably not for smaller ones.

West Virginia: 4 channels, none licensed; questionable implied authority for State board, but none for department of education or for State superintendent; implied authority for county boards in county-unit system; also one likely prospect, under its own implied authority, would be University of West Virginia.

Wisconsin: 12 channels, 2 licensed, 1 to University of Wisconsin and 1 to board of vocational and adult education in Milwaukee; no implied authority for any organizations or officials at State level; no implied authority for local school districts, with possible exception of that for Milwaukee, operating under separate set of laws, but not very convincing since a license has already been granted to another organization in Milwaukee; legislation needed.

Wyoming: 1 channel, not licensed; no implied authority for State board, for department of education, or for State superintendent; very questionable implied authority for two large local boards, but no others, and only if accompanied by popular vote and action by municipal authorities; most likely and reasonable, under its own clearly implied authority, would be University of Wyoming, or otherwise a private organization.

Of all of the 20 States which have legislation dealing in some way with educational television, only 10 of them, Alabama, Arkansas, California, Florida (not too clear), Louisiana, New York, Ohio, Oklahoma, Pennsylvania, and Rhode Island, have provided express authority for a specially created State agency or for an organization within the public school system, or both, to establish or operate a television system. There are differences among these, which are reflected in the recapitulation given above and in Chapter IV, ante.

Obviously, this is an area where there is great need for State legislation. In some of the States lacking clear legislation on the subject, it is possible to make out a good case of authority implied from other powers. And licenses for several educational television stations have already been issued by the FCC on the strength of such implied authority. But in some other States, as indicated above, no such authority can be implied for any organization in the public school system.

The need for action by some States is all the more apparent, when it is remembered that recent Federal legislation on educational television requires clear authority of an official or organization in a State to accept Federal grants on a matching fund basis for such programs. Legislative authority for this purpose need not be expressed with special reference to educational television, but could be found in a general grant of power to accept Federal funds for educational purposes. Unfortunately, however, the authority granted in some States to school officials to accept such grants is apparently limited to other purposes expressed in the legislation. It might not extend to grants for educational television in some cases, and in others it would probably require an official opinion by the State attorney general to remove uncertainties.

Conclusion

The observations made in this chapter and the recapitulations given provide a general picture of the findings of this study. Chapter I describes the scope of it, and the other chapters provide the major details relevant to the particular aspect of the work covered by each of them. The separate reports for the States, describing all legal authority which does affect or "may affect" the use of audio-visual media in the public schools, can supply whatever minor details have been omitted from this Report as only marginally relevant.

This combination of papers and records, therefore, can be taken as the complete statement of the legal authority which does affect, probably affects, or "may affect" the classroom use of audio-visual media in the public schools of all fifty States, and of the legal authority to establish and operate educational television stations in all fifty States. It is, thus, completely responsive to the contractual requirements with respect to subject matter and equally responsive with respect to the treatment of the material found.

In closing the Report, I feel that I should make a few personal observations for the benefit of those who may conduct other studies of education laws on a broad scale like that required in this undertaking. The observations concern method, or approach, and may be useful both to lawyers and to educators.

In the present work two approaches have been combined - the specific and the general - and neither would have sufficed without the other. As a rule both lawyers and educators are oriented to the specific approach, for good and sufficient reasons, but different for each of them.

The lawyer, by training and long experience, is accustomed to address himself to a particular factual situation. He must find all of the specific laws and decisions which bear upon the solution of conflicting interests within narrow jurisdictional limits. Usually only one jurisdiction is involved and it is seldom necessary to go beyond it.

The educator, especially a chief State school officer, is caught up in the daily operation of schools. He has his factual situations too, and he must find solutions of operational problems within the legal framework that has been provided in his State. His main concern is to make it work as best he can.

In these circumstances both the lawyer and the educator are dealing with a set of laws in which there is a minimum of internal conflicts. The laws are intended to be harmonious and mutually complementary.

In the case of school laws the legislatures have devised a large formula for accomplishing their objective of establishing and maintaining an effective school system. They have provided an organization, a distribution of powers and duties, and a set of interrelationships within the educational structure. It is expected that all necessary school activities be conducted in accordance with this formula. If authority is sometimes not clearly expressed, it is frequently possible to imply it through a combination of provisions in the formula showing the general pattern of activities and responsibilities intended.

When changes are made in such a system of school laws, there are two objectives. One is to introduce a new idea, which should present no difficulty. The other is to maintain, without unnecessary disturbance, the general patterns established in the formula. This is sometimes rather difficult.

For this reason legislators, lawyers, and educators are alerted to the danger of attempting a bodily importation of some legislative provision from a sister State. Such a provision is an integral part of the general formula in the sister State. The reason it is effective there is that it is harmonious with other provisions relating to organization, distribution of power, and interrelationships peculiar to that State.

For instance, the useful provision in California authorizing school districts to contract with their county superintendent, for the supply of audio-visual equipment, could not be bodily incorporated into the school laws of a State having a county-unit system. It might not even be entirely appropriate in other States having an intermediate level but operating with much less authority than that in California

The same difficulty might be raised in connection with other laws useful in their own setting, such as those relating to film depositories in Oklahoma, county audio-visual materials centers in New Jersey, boards of cooperative educational services in New York, and a number of other constructive provisions in other States. They work well within their own context, but might not be equally effective in others.

The central idea in such legislation is important, because frequently it shows a new approach to a problem and can be modified to fit into a different formula. But the full significance of the idea cannot be determined without examining it in the context from which it draws part of its operational strength.

The lawyer and the educator seeking new ideas in foreign jurisdictions often feel frustrated in their search. They may find a new idea expressed partly but not fully in one statutory section, and may be led on from one supplemental statute to another in search of the final answer. But still it may seem fragmentary, inconclusive, or inappropriate for their own purposes.

They find it impossible to compare legislation in two or more States, statute by statute, with respect to new ideas, organization, distribution of powers, interrelationships, or authority for particular activities. There are some direct parallels, but they are few, and oftentimes they are more apparent than real. Numerous parallels cannot be found because the general formulas, the patterns and the details differ from State to State.

There is no way therefore, in such a general approach, to make complete comparisons of school legislation among the States on the basis of subject matter. The alternative seems only to use the specific approach for each jurisdiction in order to include all of the details which are relevant.

This is the area, however, in which the work done in the present undertaking can provide useful suggestions for lawyers and educators alike in the comparison of school laws in different States. In this work both the specific approach and the general approach have been combined effectively.

The points of orientation used have not been subject matter, but functions around which differing details on subject matter can be assembled. The functions are common to all States - things which have to be done to accomplish a purpose - and therefore serve as units of comparison among the States. They also serve as the focus for all information on organization, distribution of power, interrelationships, and authority for particular activities which each State has provided for that function. In other words, they can bring together all elements in the formula for solving that particular problem.

Material can be assembled for each State with particular reference to each of these elements, in the specific approach, but it can be coordinated with the different functions in the general approach for comparing State with State.

Such a procedure permits analysis in depth and discloses the full significance of new ideas and relationships in their unique setting. It might be objected that this procedure requires additional work and a broader field of inquiry. But no easy substitute has been found, and no other way permits a comprehensive comparison of different legal systems.

A study of the machinery through which education may be imparted in an effective manner is no less important than the general process of education itself. And the same principles might be applied to it as are advocated for education in general.

In The Aims of Education, Alfred North Whitehead stated:

> You may not divide the seamless coat of learning. What education has to impart is an intimate sense for the power of ideas, for the beauty of ideas, and for the structure of ideas, together with a particular body of knowledge which has peculiar reference to the life of the being possessing it. (The Aims of Education, New York: The New American Library, 10th printing, 1960)

In a special introduction to this edition, Justice Felix Frankfurter wrote in appreciation of this great educator and stated:

> The need for breaking down sterilizing departmentalization has been widely felt. Unfortunately, however, a too frequent way of doing it has been, wittily but not too unfairly, described as the cross-sterilization of the social sciences. That is a tendency by which a difficult problem, say of the law, is solved by relying on the formulation of a dubious truth in some other field.
>
> Professor Whitehead's insistence on understanding through realization of the interdependence of thought and ideas and institutions was quite otherwise. (emphasis supplied; op. cit. introduction, n. p.)

These principles can be used in a broader comparative study of school laws in the different States. They can serve to coordinate different aspects of those laws and thus to facilitate the integration, into one legal system, of new ideas imported from another.

The present study on various types of audio-visual media, and the functional coordination of legislation on the subject - new ideas, has been made in this spirit. And this Report of the study is intended as a step toward a more significant understanding of the school legislation in all fifty States.

John W Connelly Jr.

John W. Connelly, Jr.

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